

U.S. DEPARTMENT OF TRANSPORTATION
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THE TECHNICAL HAZARDOUS LIQUID PIPELINE
SAFETY STANDARDS COMMITTEE (THLPSSC)
AND THE
TECHNICAL PIPELINE SAFETY STANDARDS
COMMITTEE (TPSSC)

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JOINT MEETING
+ + + + +
THURSDAY
MARCH 24, 2011

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The Committees met in Salons D and E in the Marriott Crystal City Hotel, 1999 Jefferson Davis Highway, Arlington, Virginia, at 9:00 a.m., Massoud Tahamtani, Acting Chair, presiding.

THLPSSC MEMBERS PRESENT

LARRY J. DAVIED, Magellan Midstream Partners,
L.P.

C. TODD DENTON, NuStar Energy, LP

THE HONORABLE LULA M. FORD, Illinois Commerce
Commission

DENISE M. HAMSHER, Enbridge (USA) Pipeline

RICHARD B. KUPREWICZ, Accufacts Incorporated

CRAIG O. PIERSON, Marathon Ashland Pipeline
LLC

LARRY M. SHELTON, Sunoco Logistic

MASSOUD TAHAMTANI, Virginia State Corporation
Commission

CARL M. WEIMER, Pipeline Safety Trust

TPSSC MEMBERS PRESENT

DENISE M. BEACH, National Fire Protection
Association
MICHAEL BELLMAN, City of Richmond Gas and
Light
ANDREW DRAKE, Spectra Energy
RICHARD E. FEIGEL, Hartford Steam Boiler
SUSAN L. FLECK, National Grid
THE HONORABLE WAYNE E. GARDNER, Pennsylvania
Public Utilities Commission
DANIEL B. MARTIN, Tennessee Gas Pipeline
Company (El Paso)
RICHARD F. PEVARSKI, Virginia Utility
Protection Services, LLC
PAUL S. ROTHMAN, The Port Authority of New
York and New Jersey
DONALD J. STURSMAN, Iowa Utilities Board
RICHARD H. WORSINGER, City of Rocky Mount

DEPARTMENT STAFF PRESENT

JOHN D. PORCARI, Deputy Secretary
CYNTHIA L. QUARTERMAN, Administrator,
Pipeline and Hazardous Materials Safety
Administration
TIMOTHY BUTTERS, Deputy Administrator, PHMSA
TEWABE ASEBE, Transportation Specialist,

PHMSA

DEWITT BURDEAUX, Inspector Training
Qualifications, PHMSA
BYRON COY, Eastern Region Director for
Pipeline Safety, PHP-100, PHMSA
KEITH COYLE, Office of Chief Counsel, PHMSA
STEVE FISCHER, Director of Program
Development, Office of Pipeline Safety,
PHMSA
JOHN A. GALE, Director of Regulations, PHMSA
MIKE ISRANI, Senior Technical Advisor, PHMSA
SAM HALL, Senior Program Manager, Office
of Pipeline Safety, PHMSA
ALAN MAYBERRY, Associate Administrator for
Field Operations, PHMSA
CHERYL WHETSEL, Technical Advisory Committee
Manager

JEFFREY D. WIESE, Associate Administrator for
Pipeline Safety, PHMSA

ALSO PRESENT

JIM TYMON, Staff Director, Highways and

Transit Subcommittee, U.S. House of

Representative Transportation and

Infrastructure Committee

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

9:02 a.m.

MR. WIESE: Good morning everyone.

It will be an interesting morning. We have a lot of new members here today so before I turn to my friend and colleague, Mr. Massoud Tahamtani, who I have asked to chair today's meeting as the designated federal official -- only the people on the liquid committee get that one, the gas guys will fill you in later.

But I am going to stall for a couple of minutes and take care of some things that I forgot to do well for the liquid committee yesterday, my apologies to them.

I would like to make clear to everybody first of all, as a safety agency it is important to us that you know how to react in an emergency.

I am told by the hotel that you will exit these doors. Theoretically they say you can go through there but the preferred route, if you can make it and there is not a

1 fire that way, is to exit this way, turn down
2 and head down that corridor and they will
3 guide you out.

4 There will be people near the
5 exits. If that is for some reason blocked by
6 fire, head this way back towards the makeshift
7 reception area that they have set up.

8 By the way I don't think any of us
9 realized the hotel was under major renovation
10 when we booked here, so my apologies for that.

11 The other thing I didn't actually
12 discover myself until this morning, since I
13 don't know Crystal City, is that there
14 actually are restaurants around here but it is
15 not obvious.

16 And so the hotel has a number of
17 these directories. Cheryl has gotten them and
18 has some out here at this table. It lists it.

19 Actually I came here this morning
20 and drove around and saw them, but when I went
21 into the underground yesterday -- there's an
22 underground walkway for the gas committee who

1 haven't found it yet -- it's difficult to find
2 anything through there.

3 So don't hesitate to ask for
4 directions from the hotel. Talk to us or take
5 a look at the guide which will be sitting out
6 there.

7 Couple of other things here really
8 quickly. I'm going to ask in a minute that we
9 go around and do introductions and that is
10 because we have quite a few new members with
11 the gas committee joining us.

12 The liquid committee was
13 relatively stable. We lost one member but he
14 was of no consequence.

15 (Laughter)

16 Oh, you hired him, didn't you?
17 Yes. Okay. All right. So he should be here any
18 second as a matter of fact, and so for those
19 on the liquid committee, Tim Butters should be
20 joining us momentarily.

21 We will also be joined momentarily
22 by John Porcari who is the Deputy Secretary of

1 Transportation. I would like to beg your
2 indulgence and say for a little bit of
3 flexibility, I know, Cynthia is catching a
4 plane to go out to an 8-1-1 event which we are
5 really keen to see happen. The Secretary is
6 joining her.

7 So I am going to ask that when
8 John Porcari gets here that we will just move
9 to that part of the agenda.

10 So I thought what I would do, to
11 get going, is to say first of all Cheryl is
12 circulating a contact list, correct Cheryl?

13 MS. WHETSEL: Yes.

14 MR. WIESE: Okay, I would just ask
15 you to take a look for your name, to the
16 members, take a look for your name just to
17 make sure we have things correct, if you will.

18 I would also like to just, with
19 your permission, I think -- there's that
20 former member of the committee, so all right.
21 Welcome Tim.

22 I thought maybe, with your

1 permission we would just start with
2 introductions and go around. This is a joint
3 session of both the -- currently called the
4 Technical Pipeline Safety Standards Committee
5 and the Technical Hazardous Liquids Pipeline
6 Safety Standards Committee, both of which are
7 a mouthful.

8 And we will talk later, I am going
9 to propose to rename these committees when we
10 redo the charter. So we will have an acronym
11 contest you can start.

12 But maybe I will turn, most
13 immediately, I am pleased to have Cynthia
14 Quarterman join us. She is my boss and she is
15 the head of PHMSA right now.

16 She probably won't tell you, so I
17 should tell you, we actually have a long
18 association. She is not readily willing to
19 admit this, but we have known each other now
20 for probably about 15 years and I was really
21 happy when Cynthia came to join us at PHMSA.
22 We had worked together at what used to be

1 called the MMS quite some time ago and I had
2 a lot of respect for her there and pleased
3 that she has joined us.

4 So allow me to just turn it -- we
5 are just going to run around for introductions
6 and we will come back.

7 MS. QUARTERMAN: Good morning.
8 Cynthia Quarterman.

9 MR. BUTTERS: Good morning. Tim
10 Butters, Associate Administrator, Deputy
11 Administrator I am sorry.

12 (Laughter)

13 MR. WIESE: Okay, well Tim, you
14 can have my job, I'll take yours.

15 MR. PIERSON: Craig Pierson,
16 Marathon Pipeline, liquids.

17 MR. KUPREWICZ: Rick Kuprewicz on
18 the liquids for the public.

19 MS. HAMSHER: Denise Hamsher on
20 the liquids committee, with Enbridge
21 Pipelines, U.S.

22 MR. WEIMER: Carl Weimer, Pipeline

1 Safety Trust, on the liquids committee.

2 MR. GARDNER: Wayne Gardner with
3 the Pennsylvania Public Utilities Commission,
4 gas.

5 MR. BELLMAN: Mike Bellman, City
6 of Richmond, municipal gas company, I'm on the
7 gas committee.

8 MR. STURSMAN: Don Stursma, Iowa
9 Utilities Board, gas.

10 MR. WORSINGER: Rich Worsinger,
11 City of Rocky Mount, North Carolina, the gas.

12 MR. DRAKE: Andy Drake, Spectra
13 Energy, gas committee.

14 MR. MARTIN: Dan Martin, El Paso,
15 gas committee.

16 MR. FEIGEL: Gene Feigel, Hartford
17 Steam Boiler, gas committee.

18 MR. ROTHMAN: Paul Rothman, Port
19 Authority of New York and New Jersey, gas
20 committee.

21 MS. FLECK: Sue Fleck, National
22 Grid, gas committee.

1 MS. BEACH: Denise Beach, National
2 Fire Protection Association, gas committee.

3 MR. SHELTON: Larry Shelton,
4 Sunoco Logistics, industry rep on the liquids
5 committee.

6 MR. DAVIED: Larry Davied,
7 Magellan Midstream Partners, liquid committee.

8 MR. DENTON: Todd Denton, NuStar
9 Energy, liquids.

10 MR. PEVARSKI: Rick Pevarski,
11 Virginia 8-1-1, public, on the gas committee.

12 MR. SATTERTHWAITE: Cameron
13 Satterthwaite, PHMSA.

14 MR. PATES: Jim Pates, chief
15 counsel's office, PHMSA.

16 MS. WHETSEL: Cheryl Wetsel,
17 committee manager, PHMSA.

18 MS. FORD: Lula Ford, Illinois
19 Commerce Commission, liquids.

20 MR. TAHAMTANI: Massoud Tahamtani,
21 Virginia State Corporation Commission, liquid
22 committee.

1 MR. WIESE: Great, and Jeff Wiese,
2 associate administrator for pipeline safety at
3 PHMSA. So thank you everyone. I know that was
4 an abbreviated -- we are going to be doing
5 circulation and put on the website short bios
6 for people so I just thought maybe as you get
7 to know each other.

8 Forgive me for one more moment, I
9 would like to say a couple of words because I
10 wasn't able to, I wasn't sure, and the last
11 time this committee met together.

12 But a few people have left the
13 committee and I would like to, as a matter of
14 practice, thank them for their service. We
15 have sent letters to all of them.

16 Ted Lemoff, who many of you knew
17 and represented NFPA, served with us I think
18 for 15 years if I am not mistaken, on the
19 committee.

20 He might hold the record for
21 service, so I am happy to know that he has
22 sailed into retirement although I know Ted

1 will probably still be consulting on the side.
2 But welcome Denise in his place.

3 Another couple of our friends,
4 Mike Comstac, who was representing APGA, has
5 left us. Mike always had a happy note. We are
6 looking to the APGA reps to pick up the pace
7 there.

8 Jim Wunderlin with Southwest Gas,
9 great guy, you know, left and he has retired
10 as well. I think there's something about that.
11 You know, you serve on this committee long
12 enough and it just retires you.

13 Pete Terranova I think is still
14 with UGI. Pete has left the committee as well.
15 And then there is some guy Tim Butters, right,
16 okay, yes, he left the committee as well for
17 a better-paying job I think.

18 MR. BUTTERS: Let the record show
19 that according to this screen I am now the
20 deputy secretary, so you have -- oh -- I just
21 changed it. Oh.

22 (Laughter)

1 So we have three titles to pick
2 from.

3 MR. WIESE: No, no, he is deputy
4 administrator. Oh, it was? Oh thank you for
5 correcting that. Cameron is fast by the way,
6 I am always happy to have him on my side.

7 Just as another courtesy before I
8 end up turning it over to my boss and to Tim
9 to talk for a second, we are waiting for John
10 Porcari to get here.

11 But I also wanted to extend my
12 personal thanks and welcome to Mike Bellman.
13 Mike is representing APGA, and also I think
14 you are maybe a dual rep, correct?
15 Representing -- yes, he is divided, so he is -
16 - if you guys ever disagree, APGA and AGA,
17 Mike is in a tough spot. Fortunately, you
18 agree, I think 99 percent of the time, which
19 I think is very good.

20 Also I would like to welcome Sue
21 Fleck who is representing AGA on the gas side,
22 I really appreciate your joining. I have known

1 Sue for a long time. She has been involved
2 with us, with R&D efforts for a long time, so
3 really happy to have her join us.

4 Rich Worsinger is representing
5 APGA of the municipal side. Rich is from the
6 city of Rocky Mount, North Carolina, where I
7 understand you will have some stories for us
8 on -- you have done some replacement programs
9 down there as well, someone was telling me.

10 Okay, very good. We will be
11 talking about that subject. So thank you for
12 joining us.

13 Someone who has been a colleague
14 for many years, Dan Martin, joining us from El
15 Paso. I am very happy to have Dan here. Dan is
16 -- El Paso is one of the largest gas
17 transmission companies in the country and Dan
18 is the chief safety officer for that
19 corporation and probably has several other
20 titles as well, but thank you for joining us.

21 Denise, I have already said thank
22 you for joining, I appreciate that. NFPA has

1 been a member of the committee as long as I
2 can recall so we are happy to have you there
3 as a standards group.

4 And one of the first to exhibit
5 transparency on standards that we incorporate.
6 So thank you for that.

7 Last but not least, happy to --
8 and I welcomed him yesterday, Wayne Gardner
9 from Pennsylvania. Wayne said that he has a
10 minor interest in energy matters. There is a
11 little bit of stuff happening in Pennsylvania
12 now.

13 Actually in a future meeting, we
14 will probably ask Wayne to join -- one thing
15 that is really, I have enjoyed, when we get
16 members to do panels and presentations. We
17 have done this before. So Wayne we might look
18 to you to talk about shale gas matters in the
19 U.S.

20 And Collette Honorable, she is
21 here I believe, there's shale gas in Arkansas
22 as well. So, join together in that, and I

1 apologize. Todd Denton joining us from NuStar
2 on the liquids side. Thank you Todd. I
3 welcomed him yesterday as well.

4 So I think with that I will stop
5 and I will turn it over to Cynthia for some
6 opening remarks and then when John comes in,
7 we will slide him into the agenda.

8 MS. QUARTERMAN: Good morning
9 everyone. I am delighted to be here with you
10 this morning and I apologize for not being
11 able to stay the whole today. I am going to
12 leave here and go off to Las Vegas with the
13 Secretary.

14 First let me personally thank you
15 for your time and service on this committee.
16 I don't think I have to tell anyone here how
17 important your involvement in this effort is
18 to the nation.

19 Let me also welcome the six new
20 members of the committees, and thank you in
21 advance for your service and your willingness
22 to serve on the committee.

1 The last time that we saw each
2 other in person was in December of 2009 and
3 let me apologize for not seeing you in person
4 since then.

5 Last year was a hectic year for us
6 and we want to make that up in the coming
7 year, but thank you for your willingness to
8 talk with us and to vote and to take action by
9 telephone.

10 For those of you that I haven't
11 seen in the past year or 15 months or so, I
12 came to this committee in December 2009, it
13 was shortly after my confirmation, and I can
14 tell you that there has been a great deal
15 going on in the intervening 15 months, both in
16 terms of accomplishments and in terms of
17 significant challenges with respect to
18 pipeline safety.

19 I would like to bring you up to
20 date on where things are. On the positive
21 side, PHMSA has taken aggressive strides
22 towards the promotion of safety and has

1 closed, just in the past 15 months -- good
2 morning Mr. Secretary -- has closed a record
3 11 NTSB recommendations since we last met.

4 In addition we have closed out all
5 of our remaining Office of Inspector General
6 and GAO recommendations. We have taken measure
7 to bolster effective enforcement by increasing
8 our enforcement staff 27 percent.

9 As a result we have been able to
10 reduce our enforcement backlog. We have closed
11 292 cases and issued 103 final orders since
12 the beginning of last year.

13 We have also significantly
14 increased funding to our state pipeline safety
15 partners, suspending the three-year average
16 matching funding requirements for both 2009
17 and 2010.

18 In addition, we have continued to
19 provide funding for our local first responders
20 who unfortunately had to call on that
21 experience and that training quite frequently
22 in the past 15 months.

1 As many of you know, last
2 September the administration submitted a
3 legislative proposal for reauthorization,
4 entitled Strengthening Pipeline Safety and
5 Enforcement Act of 2010.

6 This initiative included proposals
7 for tougher civil penalties, the elimination
8 of some statutory exemptions, the review of
9 court rules that apply to DIMP only in high
10 consequence areas, and a review of whether
11 that should be applied more broadly, and
12 increasing data requirements.

13 We are hoping that Congress moves
14 forward this year to act on our
15 reauthorization proposal. Since last week we
16 have had several regulatory -- since last we
17 met, sorry, not last week, it feels that way
18 though -- we have had several regulatory
19 initiatives including publications of the one
20 rule and Advanced Notice of Proposed
21 Rulemaking on hazardous liquids, the low
22 stress rule number two, which you voted on and

1 I thank you for, the control room management
2 rule that you are going to vote on this
3 meeting and discuss.

4 In addition we are planning a
5 companion ANPRM on gas transmission systems.
6 Those two ANPRMs are really intended to
7 refresh the existing integrity management
8 program for the hazardous liquids and gas
9 transmission pipelines, with the lessons that
10 we have learned since they were initially
11 implemented. We have also issued numerous
12 advisory bulletins on pipeline safety matters.

13 Your discussion and the vote today
14 on the notice of proposed rulemaking to
15 expedite the implementation date for the
16 control room management rule is a very
17 important one.

18 The reason that is so important brings
19 me to the subject of our recent challenges.
20 There have been a series of major pipeline
21 incidents that have occurred in the last year,
22 in Marshall, Michigan, San Bruno, California

1 and Allentown, Pennsylvania, which resulted in
2 the loss of several lives, large oil spills
3 and the uprooting of entire communities.

4 While this program has made great
5 strides over the past several years,
6 especially, thankfully with your help, it's
7 obvious that there is still more that needs to
8 be done.

9 The planned regulatory
10 initiatives, especially those that I mentioned
11 with respect to the Advanced Notice of
12 Proposed Rulemaking on the integrity
13 management program, are meant to get us where
14 we need to be.

15 Another important step forward
16 will be the vote you take today on control
17 room management and accelerating that rule.

18 We have seen that during the past
19 year, in not just the high profile accidents
20 but in others as well, that pipeline control
21 rooms could have played a bigger role in
22 knowing that there was a problem in

1 intervening earlier, but they didn't.

2 This rule was originally intended
3 to be fully implemented in three years. We
4 just can't wait that long. We need to move now
5 to implement the key components of that rule
6 as soon as possible.

7 With your help, it has been a
8 great pleasure to lead the country's efforts
9 to improve pipeline safety. But with that
10 pleasure comes the burden of the lives of
11 those who have been lost as a result of the
12 pipeline safety incidents.

13 During the past 15 months, I have
14 had the opportunity to see first hand the
15 devastation and havoc that failures in
16 pipeline safety can wreak.

17 I appreciate your commitment to
18 helping me make such high consequence events
19 even less probable than they are today. On
20 that score the Secretary has taken an interest
21 in advancing pipeline safety to the next level
22 and plans to issue a call to action to all

1 stakeholders very soon.

2 I would like to introduce you to
3 Deputy Secretary John Porcari who has joined
4 us right on time. Deputy Secretary Porcari,
5 the former secretary of transportation in
6 Maryland, serves as the deputy secretary for
7 Ray LaHood.

8 Deputy Secretary Porcari has had
9 an opportunity to view some of these incidents
10 himself, having been very heavily involved in
11 the Marshall, Michigan spill.

12 He is here today to share with you
13 the Secretary's initiative on pipeline safety,
14 which he plans to announce very soon, and we
15 would really appreciate all of the stakeholder
16 involvement, so everybody here in this room,
17 we would like to see you involved as well.

18 With that I will turn it over to
19 Mr. Secretary.

20 MR. PORCARI: Thank you Cynthia,
21 and good morning everyone and thank you first
22 and foremost for serving on these committees.

1 It's important -- what you do is important.
2 Working together, we can actually improve
3 pipeline safety throughout America. That is
4 what we are dedicated to doing.

5 I will tell you that Secretary
6 LaHood and I take this very seriously. As
7 Cynthia mentioned, I was heavily involved in
8 the Marshall, Michigan incident last summer.

9 This, on the one hand, is kind of
10 an extension of our ageing infrastructure
11 issues that we have throughout our
12 transportation network, albeit one that is a
13 little less visible to most of our citizens
14 but it is every bit as important, partly
15 because of the high consequences of any
16 incident.

17 So when it comes to trains,
18 planes, automobiles, trucks, pipelines, safety
19 is our first obligation, making sure we have
20 a safe and reliable system is our common
21 obligation, and we are going to do whatever it
22 takes to protect the American people from

1 transportation risks wherever we find them.

2 And in that context, the incidents
3 that Cynthia has mentioned, those three in
4 particular are ones that have caused both
5 environmental damage and property destruction,
6 injury and loss of life.

7 We are all concerned about that
8 but these tragedies actually need to move us
9 to action and we know that across America,
10 underneath the cities and towns of America,
11 there are two and a half million miles of
12 pipe. That is enough to circle the earth 100
13 times.

14 Much of that is 50 years old or
15 older. Some of it is significantly older. And
16 this recent spate of accidents shows that if
17 we don't act now, we could continue to see
18 greater numbers of tragedies so we are taking
19 a number of steps here at the Department of
20 Transportation.

21 First, President Obama's fiscal
22 year 2012 budget, which he has sent to

1 Congress, proposes a 15 percent increase for
2 Cynthia and her team at the Pipeline and
3 Hazardous Materials Safety Administration.

4 That's a reflection on our part of
5 the urgency that we attach to moving forward.

6 Second, as Cynthia mentioned, we are
7 developing an action plan which is being put
8 in place as we speak. It will be rolled out
9 very shortly and I would urge each and every
10 one of you to be part of that effort as we
11 implement the action plan.

12 And we will be calling on our key
13 stakeholders -- governors, industry leaders,
14 public advocacy groups -- to join us in
15 addressing the critical challenges that we
16 have.

17 And in April we will be hosting a
18 pipeline safety forum to discuss these issues,
19 to map out our plan forward together. Cynthia
20 and I would again ask, invite each of you to
21 join us for this gathering.

22 We are also looking for additional

1 ways to help incentivize aggressive pipeline
2 integrity verification programs, whether
3 though its innovative funding programs,
4 through increased grant making, better
5 training, improved data sharing, best
6 practices, the idea of making sure that
7 integrity verification programs are as strong
8 as possible across the board is an important
9 part of where we are headed.

10 I know that all of you are
11 committed, as is President Obama and Secretary
12 LaHood to building a better infrastructure,
13 literally the foundational investments for
14 America's future prosperity.

15 But we also know that to create
16 jobs and grow our economy and compete in the
17 21st century, we need an energy transportation
18 network that is every bit as good as the rest
19 of the transportation network, that meets the
20 needs not just of today but of the future, and
21 does so in the safest possible way without
22 endangering families and communities.

1 So, as with the rest of the
2 transportation network, we are committed to
3 rebuilding America. This is as I mentioned,
4 made perhaps a less visible but every bit as
5 important part of our transportation
6 infrastructure as our roads, railways, runways
7 and transit systems.

8 We have to make our system the
9 safest, most reliable in the world. I hope you
10 agree with that mission statement. Our
11 citizens are counting on us to do that.

12 It's a responsibility that we take
13 very seriously. It's a shared responsibility
14 that we have together. It's one that I look
15 forward to implementing with you under
16 Secretary LaHood's guidance.

17 So, with that, Cynthia, thank you.

18 MS. QUARTERMAN: I want to
19 reintroduce to those of you who haven't had
20 the opportunity to meet my new deputy
21 administrator who has been here since
22 November, Tim Butters, who has served on I

1 think the liquids committee in the past, and
2 give him an opportunity to introduce himself,
3 and then we would be happy to take any
4 questions you have if that is appropriate,
5 thanks.

6 MR. BUTTERS: Thank you Cynthia
7 and thank you all for your warm welcome.
8 Obviously you know that I served on the
9 liquids committee for about a year and -- two
10 years I think -- when I was Chairman of the
11 hazardous materials committee for the
12 International Association of Fire Chiefs.

13 My background is primarily in
14 emergency response. That's sort of what I
15 bring to the party so to speak. Since I have
16 joined the department in November, it's been
17 a rather rapid learning curve for me.

18 As Cynthia indicated, there has
19 been a number of incidents that have occurred
20 and my strength wasn't as strong in pipeline,
21 but believe me, I am much stronger in that
22 arena now than I was when I arrived.

1 But one of the things that has
2 impressed me with -- not only with PHMSA but
3 throughout DOT is the commitment that the
4 staff has to the mission that we are engaged
5 in.

6 They understand the critical
7 nature of what these pipelines do and the
8 importance to our economy and the importance
9 of safety, and also the importance of ensuring
10 that as the regulator, that we have a good
11 working relationship with the industry and
12 that we respect each other's roles, and that
13 also applies to the hazmat side as well.

14 So I had a chance to meet some of
15 you at the CGA meeting in Orlando a couple of
16 weeks ago, when we talked about the safe
17 digging month and the 8-1-1 initiative that we
18 are going to be continuing to move out this
19 year.

20 And I am really looking forward to
21 working with all of you as we move forward
22 here and again, I am very fortunate to be

1 selected and to be part of the, not only the
2 PHMSA team, but the DOT team as well. Thanks.

3 MR. WIESE: I guess I will just
4 say we have got a few minutes. If there is
5 anyone who has a question or a comment they
6 would like to offer, otherwise we will send
7 our boss off to promote 8-1-1, which this
8 committee has spent a lot of time talking
9 about over the years. Any comment? Wayne?

10 MR. GARDNER: Good morning. I
11 heard a couple of references to a general
12 coming-out party in April. Do you have
13 anything more formal about a date other than
14 some time next week?

15 MS. QUARTERMAN: We are planning a
16 pipeline safety forum on April the 18th and
17 you should all be getting invitations.
18 Probably when you get back to your offices or
19 if you don't, consider yourself invited, and
20 we are setting up a website, I think it's
21 www.pipelineforum.com, where you can submit
22 your reservations and it won't have any data

1 on it yet, but on April 18th, or before
2 hopefully, it will be loaded with a lot of
3 information for the public about pipeline
4 safety and the action plan.

5 MR. GARDNER: In DC?

6 MS. QUARTERMAN: In DC, yes. At
7 DOT.

8 MR. MARTIN: I am new to the
9 committee so I apologize, but I heard some
10 reference about this committee playing a key
11 role in this action or call to action going
12 forward. Could maybe you just spend a little
13 bit of time explaining what you would expect
14 from this committee so I could understand that
15 a little bit better?

16 MS. QUARTERMAN: Well, I am hoping
17 that during the discussion today the committee
18 can take up the question of how you might be
19 involved in the call to action.

20 Currently we are planning to
21 invite all of the stakeholders, all the
22 different constituents that you represent. To

1 the extent that the committee itself wants to
2 weigh in and become involved, we welcome that
3 involvement.

4 We leave it to you to make a
5 determination about what role you view
6 important. Given that the meeting is happening
7 April 18th, it will be difficult for you to do
8 a lot of work in the intervening period, but
9 perhaps once that happens, you can discuss it
10 further.

11 MR. WIESE: If you will allow me,
12 I just had a couple of adds on that. Secretary
13 LaHood asked us to prepare a report back to
14 the country. That will take a little more
15 time.

16 The call to action, the initial
17 forum is really, there have been some initial
18 steps taken already. They have really sort of
19 been behind the scenes.

20 The forum will be sort of the
21 first public event, but I think it is fair to
22 say that we will be opening a docket or place

1 on the website where people can submit ideas
2 and comments.

3 We can, as a group, take time
4 later this afternoon after we have gotten
5 through the tough part of the agenda, and talk
6 about that, because I think we are wide open
7 to the idea of the committee's involvement in
8 helping us validate the report, look at the
9 report to the country, and make sure that we
10 are reporting out so all sectors of the
11 American public have an opportunity to learn
12 about pipeline safety.

13 MR. KUPREWICZ: This came up
14 yesterday so it might be news to some of the
15 members today, but I think you mentioned
16 yesterday that PHMSA may be providing some
17 advisory help to the CPUC in California,
18 following San Bruno?

19 MR. WIESE: Yes.

20 MR. KUPREWICZ: Can you comment on
21 that?

22 MR. WIESE: I can. We -- just for

1 the gas committee, because we talked about it
2 briefly yesterday -- we -- and we will talk
3 about it later today, I think Linda Daugherty
4 is coming in to talk about the advisory
5 bulletin that we put out on risk assessments
6 and records, so I will save a lot of that for
7 that discussion with your permission.

8 But the California PUC, who has
9 been one of our partners for decades, you
10 know, has asked for our help on doing a fairly
11 extensive audit of the risk assessment
12 methodology of one of their major operators
13 who have been in the news a bit.

14 And so we are sending a team of
15 five people, I believe, out to back them up.
16 We are going to be doing a very intensive
17 review, but it's a combination of helping our
18 state partner, but also getting information
19 for a workshop that we are going to be
20 conducting on risk assessments and records
21 issues, hopefully the week of July 18th, still
22 trying to cement a location and a hotel for

1 that.

2 That will be preceded itself by a
3 one-day workshop on pipeline seam types and
4 susceptibility, so a lot of stuff of coming,
5 I think, hopefully we will get into some depth
6 on that a little bit later this afternoon.

7 So I would just ask one last time,
8 any other comments or questions for the
9 administrator? Don?

10 MR. STURSMAN: You knew I would
11 have something. Ms. Quarterman, you mentioned
12 three incidents, you know, Michigan,
13 California and Pennsylvania, plus we had three
14 people killed in two separate digging
15 accidents in Texas.

16 But yet the San Bruno event seems
17 to have sucked up all the oxygen in the room.
18 Most of the legislation and a lot of PHMSA
19 initiatives seem to be directed at the San
20 Bruno situation.

21 And the other incidents seemed --
22 I mean if it was -- I don't know, I am just

1 not hearing any responsive reaction on any of
2 those. Are there things percolating in
3 Congress? Are they looking at those issues?

4 And within PHMSA, are you looking
5 at issues related to those other incidents as
6 well?

7 MS. QUARTERMAN: Yes, I think you
8 are hearing more about this just because there
9 is a lot of press in San Bruno. It doesn't
10 mean that we as an agency are only looking at
11 that.

12 After the Marshall, Michigan
13 incident, we went forward with an Advanced
14 Notice of Proposed Rulemaking on hazardous
15 liquid pipelines. The comment period just
16 closed, I believe February and we are getting
17 ready to sit down and talk through what
18 comments we got that ask a number of detailed
19 questions about potential changes to the
20 integrity management program on hazardous
21 liquids and we are going to make decisions on
22 how to move forward with that.

1 Obviously the San Bruno incident,
2 we are involved now helping the CPUC with the
3 risk assessment there. With respect to the
4 Allentown incident, I think you will find that
5 when we go -- when we discuss the action plan
6 in more detail, you will see how we are
7 planning to address that.

8 But the call to action by the
9 Secretary is really intended to attempt to
10 accelerate the repair, rehabilitation or
11 replacement of the highest risk pipelines, and
12 that would include pipelines not only that are
13 perhaps made of cast iron or bear steel, but
14 those that have integrity issues because of
15 seam issues.

16 That's one of the things that Jeff
17 mentioned, was this risk assessment workshop.
18 That is part of our initiative as well because
19 we have found that in these incidents, several
20 of them have shown that there has been perhaps
21 not as rigorous a risk assessment done as
22 should have been done, and we want to really

1 audit not only the California company, but
2 also other companies in preparation for that
3 to look very, very closely at their risk
4 assessments, and be able to provide some
5 substantive feedback at that session.

6 MR. WIESE: Just to add Don, this
7 afternoon, I think you knew, since we have
8 worked together for quite a while, that we are
9 fairly passionate about damage prevention.

10 So to address the issues that you
11 were raising, there were fatalities not only
12 in Texas but in Georgia and North Dakota and
13 doubtless lots of other injuries from
14 excavation damage.

15 There will be -- we really haven't
16 convened the committee yet. This is still the
17 informal session. Once I turn it over to my
18 good friend Massoud, I know we will move in a
19 more timely fashion.

20 But we will have a fairly detailed
21 presentation this afternoon on damage
22 prevention and steps that we are taking there

1 too.

2 So yes, I would agree. It does.
3 Any time you have a major accident in this
4 country, it is a fact of life that it sucks a
5 lot of the oxygen out of the room.

6 But it doesn't mean that behind
7 the scenes, that our people are not still
8 working on all the threats, so yes, let's not
9 lose sight of the other things.

10 Okay. Any other quick comments
11 before we actually call the meeting to order?
12 If not, I guess I want to thank you guys for
13 coming over.

14 You are welcome to stay as long as
15 you want to. I am going to actually call the
16 meeting to order and turn it over in a second.
17 But I appreciate it very much, and I wish that
18 we could actually spill out a few more details
19 on this forum. Things are coming together very
20 quickly, but I think it is important, to the
21 extent that you can make it as advisory
22 committee members, that you do. So you are

1 certainly welcome and invited.

2 We will be inviting people from
3 pretty much every walk of life, including --
4 we have got Jeff Wright is over here from
5 FERC. FERC will be coming.

6 We have several NARUC
7 commissioners, Lula and Wayne are still here.
8 Collette is not here right now but she is
9 certainly invited as well.

10 We will have people from the state
11 NAPSR side as clearly as our closest business
12 partner, the industry, public advocates, Carl
13 and his group have been invited already
14 informally, the paper is following in the
15 mail.

16 So hopefully we will have a pretty
17 diverse and widely representative group of
18 people together at the forum. So stay tuned,
19 more details on that to come soon.

20 So thank you very much. So with
21 that, in a second I will turn over to Massoud.
22 Good luck and by the way, press the cause, 8-

1 1-1. We are looking for the photos of Cynthia
2 next to John Deere equipment, out of CONEXPO.

3 So for those of you who don't
4 know, the construction exposition that is
5 going on in Las Vegas has attendance somewhere
6 between 100,000 and 150,000.

7 This is phenomenal, really, and
8 the Secretary and Cynthia are going in because
9 the Common Ground Alliance is doing a press
10 event out there and they are trying to draw
11 attention to Safe Digging Month which all of
12 us know begins next month.

13 Many of the governors have issued
14 proclamations. We are well on the way, so
15 asking for anybody else's help in pushing that
16 cause, we are a bootstrap campaign but it's a
17 vitally important campaign.

18 So anyway, thanks and safe
19 travels.

20 MS. QUARTERMAN: Thank you
21 everyone.

22 MR. WIESE: So before I turn it

1 over to Massoud I would just like to do a
2 quick not here to say that I would like to say
3 that this is a formal meeting as soon as I
4 turn it over to Massoud and kick it off.

5 Everything by the way is recorded.
6 There's a public transcript so if you need to
7 refer back to anything you can. When you issue
8 your questions, there's an informal protocol
9 if you need to say something. By the way it is
10 okay to turn your card up. It helps Massoud or
11 myself know that you have something you would
12 like to chime in.

13 For the public, this is really a
14 committee meeting. There will be an
15 opportunity at the end for the public to
16 comment but it is largely a debate of a
17 federal advisory committee that we have here,
18 so again, if you are from the public and you
19 decide to -- you have comment to offer, please
20 identify yourself and your affiliation.

21 And I think with that I would just
22 say there is a docket number that is

1 established if you want to refer back to this,
2 Cheryl if I'm not mistaken it's a 2009 docket?
3 Okay. It's PHMSA-2009-0203. We can give that
4 to you any time you want it or you can call
5 us.

6 So with that, I would thank you
7 for your indulgence in the informal part of
8 the meeting this morning and I turn it over to
9 my friend Massoud.

10 MR. TAHAMTANI: Thank you Jeff.
11 Good morning. We have the agenda on the
12 screen, also in your notebooks. Let me tell
13 you, if you have got one of these things in
14 your pocket, or in your purses, check them
15 out, turn them off, make sure that they don't
16 make any noises otherwise you may be called
17 upon to make a speech on whatever I choose,
18 not whatever you choose.

19 Having said that, our first item
20 on the agenda is a briefing by Mr. Byron Coy
21 related to the NPRM on the control room
22 management. You are going to be expected to

1 vote on this later on and my understanding is
2 that the committees will vote separately.

3 So we are not going to be confused
4 like last time we were on this matter, at
5 least I am going to try to make sure that we
6 are not.

7 So with that, Byron -- right here,
8 you are ready. Right sir, it's yours.

9 MR. COY: Well good morning, I
10 appreciate getting some time here this morning
11 to explain the latest development in the
12 control room management.

13 And I will do that first by way of
14 a little background. We have been at this for
15 quite a while now. You know, the Department
16 included SCADA in our training program of
17 2001.

18 We were further encouraged by the
19 Pipeline Safety Improvement Act of 2002. There
20 were two workshops during that term. During
21 some of our early development, the NTSB was
22 doing a parallel SCADA study that concluded

1 that 10 of the 18 accidents in that seven-year
2 time period, said they couldn't rule out
3 control room involvement.

4 Most recently, the PIPES act of
5 2006 mandated that we establish regulations
6 for control room, including human management -
7 - human fatigue factors and then eventually
8 issue the regulations.

9 As of the publish date of February
10 2010, this was the original final rule for
11 control room, you know, it's what's in place
12 right now as opposed to the NPRM we will talk
13 about in just a few minutes.

14 These set of criteria establish an
15 environment that allows controllers to be
16 successful in the job that they do. Most
17 operators are engaged in the bulk of these
18 practices on their own, some more formalized
19 than others.

20 But you know with these rules, we
21 will ensure that all controllers are working
22 in an environment to be successful.

1 Through the course of our
2 development, the industry should be commended
3 for stepping up and assisting in the effort.

4 We have several recommended
5 practices that were put together and
6 published, most recently API RP-1167 for alarm
7 management, prior to that, 1168 for control
8 room, 1165 for display standards, that was
9 issued before the final rule for control room
10 was published.

11 Just as recent, the Southern Gas
12 Association put a framework together for
13 control room environments with a lot of
14 information about the fatigue management and
15 hours of service.

16 With the publication in early
17 2010, we closed a number of NTSB
18 recommendations. You see it in the middle of
19 the chart there.

20 The NTSB accepted as alternate
21 action our final rule. They wanted a
22 declaration for hours of service and we

1 established a framework for operators to
2 provide hours of service and that was
3 considered as an acceptable alternative by
4 NTSB, with the warning that they were waiting
5 to see how we wrote out our regulations and
6 our expectation through inspection process.

7 We went through and made an
8 estimate based on the separation of groups of
9 operators you see on the left in an attempt to
10 determine how many controllers and qualified
11 supervisors would be affected by control room
12 management regulations.

13 The limited inclusion column would
14 be those small gas distribution operators who
15 would only be required to have the fatigue --
16 in essence the fatigue program in place.

17 The column on your right would be
18 very large gas distribution, gas transmission
19 and all of liquids, constitutes the nearly
20 5,400 control room of controllers and
21 qualified supervisors on your right.

22 We are now developing our

1 inspection parameters and we will be
2 collecting numbers of controllers, so after
3 the first wave of inspections is finished, we
4 will be able to translate these estimates into
5 real numbers.

6 A few milestones. I have mentioned
7 the original final rule was February of 2010,
8 the NTSB recommendations shortly thereafter.

9 This past September -- I will say
10 the expedited NPRM was published. I'll mention
11 -- I'll have a slide on the public workshop
12 here coming up.

13 In February we put out our initial
14 expectations for hours of service and we also
15 published a draft set of FAQs.

16 We have already started our pilot
17 inspection process, a slide for that later and
18 we will have our FAQs finalized and inspection
19 guidance put together by June, because that is
20 when our inspector training begins.

21 The existing Phase I
22 implementation date is this August for

1 programs to be in place and we intend to start
2 inspections in September.

3 The workshop we had in Houston
4 last November, with 500 plus attendees, a very
5 involved process with a lot of comments, a lot
6 of interaction and questions. We didn't
7 anticipate that large of an attendance but it
8 just goes to show the interest in control
9 room.

10 Our pilot program, we are engaged
11 in now, we are using primarily to establish
12 our inspection material that will be used for
13 inspectors when they -- both at the federal
14 level and state partners, when inspections
15 begin fourth quarter of this year.

16 We have had two of the pilot
17 inspections already, individuals represented
18 in this room and we have six others to go.

19 I need to thank these companies
20 for answering the call to help us with our
21 program development. The experienced that we
22 had at Colonial and Kern River was very

1 valuable to our program to zero in on the
2 right questions to ask and what we could
3 expect for acceptable answers, and we are sure
4 we will get the same engagement with the rest
5 of the operators through April.

6 As a way to describe the impact
7 with the expedited NPRM, the top line shows
8 the existing final rule that is in place now,
9 where come August of this year, operators
10 would have had to establish their procedures
11 and policies, which would be the end of an 18-
12 month period that started February of last
13 year, and then have another 18 months to
14 implement the entire program, which would be
15 due in February of 2013.

16 The expedited NPRM pushes many of
17 the implementation phase to line up with the
18 program phase. Many of the aspects of the
19 program are procedurally oriented, it's
20 establishing a process. It doesn't involve
21 reforming any systems or reconfiguring SCADA
22 displays or the like, and so as a result it is

1 not as impactful for operators.

2 Some of the requirements of the
3 rule are a little more mechanical and more
4 complicated to process through, as were
5 brought to our attention in the comment
6 period.

7 So some of the parts relating to
8 displays and more management the expedite rule
9 provided more time to August 2012.

10 Ultimately the expedited NPRM has
11 the full program in place six months sooner
12 than the current published rule, and many
13 parts of that in fact would be pressed into
14 place in August of this year.

15 I have got two slides here which
16 is a summary of the comments received. I am
17 not going to go through these individually.
18 You can make your own notes and can ask
19 questions later on.

20 Generally, industry had
21 reservations about being able to tackle the
22 scope of what had to be done, issues about

1 union contracts for those -- some controllers,
2 changes to their SCADA systems, consideration
3 in fact of consolidating their operations, you
4 know, so the control room is more manageable.

5 Most of the, I will say, the
6 angst, was related to fatigue management and
7 alarms and training.

8 I should make note, INGAA here
9 with the C, comment below the INGAA referred
10 to the certain gas association framework that
11 was put together and I mentioned earlier, that
12 has a fairly extensive description and
13 recommended practices for fatigue management
14 and their comments based on saying that they
15 will consider the arrangement more amenable if
16 the guidance and the FAQs that were not
17 published at the time were significantly
18 aligned with what the SGA document had put
19 together.

20 Those FAQs are out now and I guess
21 it's my opinion that our guidelines for hours
22 of service are very much in line with the SGA

1 findings.

2 I guess INGAA, you know, they will
3 make their own assessment, perhaps provide
4 their input here in a few minutes.

5 I have added in your slide
6 material the sub-notes in four paragraphs
7 because of a consideration for the impact on
8 the expedited NPRM.

9 Shift change is one that we, in
10 the expedited NPRM will be done in August of
11 this year, the others would be somewhat
12 delayed because of the implications of the
13 work to be done in C.

14 In Fatigue, the expedited NPRM
15 impresses that the education and training
16 piece be done soon because it's something that
17 can be done and it puts a major of importance
18 on fatigue that can be materialized very
19 quickly. D1, D4, perhaps will take a little
20 longer to deploy.

21 Alarm management, it's a fairly
22 complicated process to review those data

1 points that operators have configured to send
2 alarms to the control room and it's
3 acknowledged that it is a fair amount of work
4 to sort through that and make sure those
5 alarms that the controller is seeing are the
6 right alarms and that they are operating
7 properly.

8 And the training, there was
9 concern about being able to put the training
10 program in place in line with some of the
11 expectations.

12 That brings us to the option page.
13 Option 1 here, is in essence, it's the
14 current, published rule so the dates, left to
15 right there for the different paragraphs
16 reflect the dates during the current,
17 published requirement.

18 Option 2 includes all the dates
19 that are embodied in the expedited NPRM. You
20 can see from my earlier timetable slide there
21 that implementing the expedited NPRM option 2
22 allows the safety benefit to be realized

1 sooner than the current published rule, but
2 the con side about that is industry's concern
3 about their ability to get all the work done
4 that is required to comply.

5 Based on the combination of all
6 the comments received, and our own internal
7 analysis, one of the things that we consider
8 might be an option that we might pursue more
9 seriously is option 3 there, which as I noted
10 there, would extend the implementation date
11 for D1, D4 and the training requirement, each
12 of the training elements would be aligned with
13 the implementation for each one of the
14 sections.

15 So rather than training being done
16 on August 1st of '11, the training would be
17 done when each of the section implementation
18 dates arrived.

19 And I might make note that
20 implementing the training in conjunction with
21 the implementation dates is really what we
22 intended for training to be.

1 In the fatigue area, you notice
2 the comments at the bottom there, industry
3 made a comment they expected about 100
4 additional controllers to be hired, scattered
5 across industry, and it takes a considerable
6 amount of time to train the controllers
7 sufficiently to allow them to fly solo at a
8 desk, recognizing that that is why option 3
9 indicates that for D1 and D4, you know, a
10 push-back of a year to August 2012.

11 That's the last of the slides of
12 the presentation. I guess we move on to the
13 next step.

14 MR. TAHAMTANI: Well actually, we
15 are moving ahead. The agenda calls for a break
16 when you are done with the briefing. So -- and
17 then we will have a discussion. So I would
18 just say when you are done with your briefing
19 --

20 MR. COY: I don't have any
21 additional information to share other than to
22 remind, most operators have already -- are

1 already engaged and have implemented most of
2 the rule. In fact, most of it was in place
3 prior of our final rule just by the nature of
4 good pipeline operators.

5 The essence of the rule just
6 formalizes a process to ensure that those with
7 not as sophisticated systems put things in
8 place to make sure that they have all the
9 right pieces to allow the controllers to
10 remain being successful.

11 I guess that concludes my
12 presentation. I guess we are due for a short
13 break.

14 MR. TAHAMTANI: We are running
15 ahead, but I would like to make sure that we
16 don't break in the middle of discussions about
17 this matter with a break. We will take a 15-
18 minute break here. I want to remind you that
19 all your briefing materials are in your
20 notebooks and so take 15 minutes, nothing
21 more, and come back and we will get into some
22 discussions.

1 (Whereupon the above-entitled matter
2 went off the record at 10:03 a.m. and back on
3 the record at 10:24 a.m.)

4 MR. TAHAMTANI: You know, I am not
5 used to people standing up and talking when I
6 am talking to you. If you weren't in Virginia
7 you would be in jail already. You are in
8 Virginia so we won't talk about it.

9 All right get some state police
10 here. All right. Thank you for your attention.
11 You had the briefing by Mr. Coy on the NPRM
12 for the expedited certain implementation of
13 the control room management.

14 Now I want to open up the floor
15 for discussions.

16 MR. WIESE: Just have a quick
17 comment to hopefully facilitate this. In your
18 notebooks there is a tab called control room
19 management that I think you probably found by
20 now.

21 It has some briefing materials in
22 there and descriptions of the program

1 implementation deadlines but probably as
2 importantly, and I wanted to iterate, just for
3 your thoughts now, before we get to the vote,
4 I am going to ask, when we are done discussing
5 this, that Cheryl will do a quick
6 presentation.

7 We found once before, for the
8 members who have been before, it got confusing
9 to do votes on one issue when we have two
10 committees meeting together, so we will try to
11 clarify that for you.

12 Each committee will vote
13 separately. There is sample language in that
14 tab as well you can be thinking about. We will
15 leave these options up here. You are not
16 constrained to these options but there are
17 three options that are on the table, and
18 eventually some of the things you might use,
19 you are either fundamentally going to reject
20 it out of hand, the NPRM - mind you, we will
21 ask you to talk about the notice of proposed
22 rulemaking - you will either reject it out of

1 hand, you will accept it as it is or you will
2 make a motion to accept it with a change.

3 You are not constrained to these
4 options at all. We are here to get your
5 advice. But this is here just as a way of
6 getting the ball rolling.

7 But take a look at that sample
8 language and when we are through with the
9 discussion, we will ask Cheryl to do a quick
10 presentation on process for voting in hopes of
11 making it easier for everyone.

12 MR. GARDNER: Thank you. I just
13 have a quick question regarding calling a
14 motion. Is it required that the Federal
15 Register reference be included in the motion?

16 MS. WHETSEL: I am not sure we
17 have done that always in the past, the title
18 of the Federal Register notice is probably
19 sufficient.

20 MR. PEVARSKI: Rick Pevarski. I
21 would like to have a little further
22 clarification on the fatigue management, the

1 items in particular D1 and D4, the requirement
2 for the eight hours of continuous sleep, and
3 then also the establishment of the service
4 limit.

5 MR. COY: Could we go back to the
6 fatigue slide? There are four subparagraphs in
7 D. Two and three are being promoted as to be
8 put in place this August in order to take
9 advantage of what would appear to be a lesser
10 complicated part of the task, to educate
11 controllers and their supervisors about the
12 implications of fatigue countermeasures they
13 should be aware of, and to inform them about
14 the impact of fatigue and the insidious
15 nature.

16 Often people are fatigued and they
17 don't know they are fatigued, because they are
18 fatigued.

19 MR. WIESE: Just a quick comment
20 for a little fun note. Did anybody fly in last
21 night to National Airport?

22 (Laughter)

1 It's our understanding that that
2 controller went to sleep in the control room.
3 That is making front news. The Secretary is
4 involved in that stuff. I think that kind of
5 goes to the broader issue of fatigue and the
6 concern on it.

7 MR. PEVARSKI: Rick Pevarski. My
8 question is more on the actual requirements
9 for the eight hours of continuous sleep. How
10 do you enforce that or how does an operator
11 require that of their gas control agents?

12 And then what is the establishment
13 of service limits? Is that more subjective?

14 MR. COY: The eight hours of -- I
15 apologize if I seem a little mechanical here:
16 I have got a stiff neck this morning. We chose
17 to address the fatigue by allowing operators
18 to build their program to suit the needs of
19 their operation by making sure that
20 controllers get adequate arrest.

21 So we chose to put in a
22 requirement for them to get eight hours of --

1 their opportunity to get hours of sleep. The
2 controller goes off shift with his -- the
3 education program that has been provided. They
4 are on their own recognizance to get eight
5 hours of sleep because the operator's work
6 schedule has to provide them the opportunity.

7 Our inspection process will
8 include what kind of a commute does the
9 controller have? If the controller lives 100
10 miles from the office and he works a 12-hour
11 shift, then he probably doesn't have the
12 opportunity to get eight hours of sleep, in
13 which case we would find their program
14 inadequate.

15 The hours of service limit relates
16 to the entire shift cycle, days and nights,
17 days off between turns and through our FAQ
18 process, we have identified the maximum number
19 of hours per shift cycle, how many hours they
20 should have off before they return to work,
21 and the combination of those factors and
22 ensuring they get eight hours of sleep between

1 each work cycle, and promotes that the
2 schedule will have in place will allow an
3 operator to have the opportunity to get rest
4 and not be fatigued.

5 MR. FEIGEL: Let me make sure I
6 understand exactly what we are voting on. My
7 understanding is that this notice of proposed
8 rulemaking would adjust the implementation
9 dates, that we are not really considering in
10 effect the original, technical content of the
11 already implemented rulemaking. Is that
12 correct?

13 MR. COY: That is correct.

14 MS. HAMSHER: Denise Hamsher with
15 Enbridge. To reiterate that point, there is
16 just terminology in here that suggests that we
17 are delaying the implementation dates, and in
18 fact I think the comments were in general that
19 they are accelerated, it's just how
20 accelerated should they be.

21 So I think just a point to
22 emphasize that we are -- the industry is in

1 full implementation mode, with the expectation
2 of the current dates in there.

3 There's some areas where, as per
4 the comments, acceleration of those dates
5 don't pose a lot of problems. There are other
6 areas where the acceleration of those dates
7 perhaps should not be as much.

8 So I think we really appreciate
9 the fact that you heard those comments, and
10 reflected that by noting option 3, which
11 really kind of captures that thought.

12 It's just how accelerated should
13 this be and really, since we are all after the
14 same goal here of compliance, making sure that
15 we are not setting the operators up for
16 failure on this, because that would be
17 counterproductive.

18 MR. DRAKE: Andy Drake with
19 Spectra Energy. I know that FAQs can be a key
20 element of applying this and instituting this.
21 FAQs are still kind of evolving or at least
22 they have neared the end of their evolution.

1 When are they going to be final and public,
2 because that seems to be kind of integral to
3 this whole solution.

4 MR. COY: Our draft set of FAQs
5 were made public about the third week of
6 February. They are on a public website now.

7 We have identified them as draft
8 because we intend to look at those through the
9 pilot process and then some time at the very
10 end of May, we might adjust some of those FAQs
11 or supplement them and then make them final at
12 that time.

13 MR. DRAKE: When is the target?

14 MR. COY: Right at the end of May.

15 MR. WEIMER: I guess I would like
16 a little more clarification. It seems like to
17 me one of the key issues is with D1 and D4,
18 the implementation schedule of that, just the
19 issue of it's going to take some time for the
20 industry to hire people and get them trained,
21 so whether we should do it now or do it a year
22 from now or do it two years from now, it's the

1 issue of that training.

2 And you commented during your
3 presentation that many responsible operators
4 were already there. I was wondering, what is
5 that based on and just some discussion of the
6 industry folks, if, you know, if we are
7 already there, why not do it now?

8 MR. COY: I will lead off and I
9 guess industry can comment. All the operators
10 naturally have some sort of shift schedule in
11 place.

12 We believe that many or most of
13 them are already in line with our expectations
14 because frankly, they don't want their
15 controllers to be fatigued either.

16 There may be some who have to
17 reform their process or renegotiate contracts
18 with the people, because controllers' work
19 schedules are very personal to them, so it may
20 take time to make those changes.

21 MR. DAVIED: This is Larry Davied
22 with Magellan, specifically on the issue of

1 taking time, many of our labor agreements are
2 three year type of terms.

3 Schedules of work are something
4 very important, as was mentioned to the
5 employees, who themselves, in many cases,
6 negotiated to maximize the number of days off.

7 Those are good thoughts that have
8 to be complemented with making sure there's
9 adequate rest time between those. So it isn't
10 one of just, you know -- again, the liquid
11 industry is extremely supportive of control
12 room management and raising the bar and we
13 want to do this sooner rather than later.

14 But it's incumbent upon all of us
15 to make sure that we do it and really not stub
16 our toe through the execution of that, and it
17 really does get back, as Mr. Drake indicated,
18 the FAQs are an important aspect of us
19 understanding and sharing the expectations
20 that regulators have.

21 So it's a step and step process of
22 once you fully understand those, and right,

1 making sure that your programs are written in
2 such way that you can execute compliance, but
3 I totally agree, there is not a rereading of
4 our thinking that this isn't important. We are
5 fully behind and want to do it sooner rather
6 than later.

7 But there are some very important
8 factors of making sure that you have your
9 labor contracts that have hours of work in
10 some cases stipulated, that those are a part
11 of it.

12 MR. TAHAMTANI: Other comments?

13 MR. STURSMAN: Don Sturmsma. One
14 thing I don't really have a handle on is to
15 what extent does option 3 address some of the
16 major objections that the operators had to the
17 rule as originally written.

18 I mean, does delaying D1 and D4
19 really make a substantive change that at least
20 somewhat addresses some of the comments that
21 were filed, or is it something that really
22 isn't going to make that much difference?

1 I don't have a handle on that and
2 I would kind of like to know to what extent
3 that change makes a difference in your opinion
4 of advancing the effective dates of these
5 rules.

6 MR. COY: I brought the first
7 comment page up again. See, we -- there was
8 elevated concern for fatigue issues and you
9 note here that we had Centerpoint Energy say
10 1 and 4 could be done -- they said okay for 1,
11 for those other ones we put in -- made later,
12 so we have a lot of Xs for many of the
13 commenters because of the concern for the
14 advanced date.

15 Comment page 2, again in the
16 fatigue area, a lot of concern for the
17 advanced date, so that's why when we put that
18 third option together, we acknowledged that
19 concern, and made the August of '12 date.

20 MR. TAHAMTANI: Don, do you have
21 more comments, or Denise?

22 (Off mic discussion)

1 MR. TAHAMTANI: When you talk too
2 much, he turns it off. That's what happens.
3 See, mine is still on.

4 MR. STURSMA: Okay. That still
5 doesn't address the question though, is how
6 big a deal is this, I mean there's no
7 significance factor attached to any of these
8 columns.

9 Is D1 and D4 really a substantive
10 change that makes me feel better about the
11 whole package, or is it sort of an incidental,
12 minor thing, yes it would be nice but it
13 doesn't really address the core issues that
14 they had with the advancement of the dates?

15 And looking at the column, I see
16 one of the operator out of the what, dozen or
17 so commenters, that said we are okay with 1
18 and 4 and if one operator has a comment, you
19 seem to have attached some significance to
20 that but I don't know if that addresses the
21 other comments.

22 And the question is, I still don't

1 have a sense on how much difference does
2 option 3 really make in operator ability to
3 comply with the regulations.

4 MS. HAMSHER: Denise Hamsher, with
5 Enbridge. The association of pipeline and API
6 comments, while there is not a lot of
7 individual operators that commented, there
8 were a great number, and some of the other
9 members will know how many, of a working group
10 that really participated.

11 So those comments really reflect
12 the input of dozens of major liquid pipeline
13 operators. Again, the industry did not have
14 major issue with an acceleration of many of
15 these aspects.

16 I think it's borne out by
17 extensive comments. Larry Davied noted that.
18 But to -- in all good faith you have operators
19 that are in the middle of implementing, and to
20 accelerate by a year and a half some of those
21 implementations when some of the hiring and
22 schedule and training in order to accommodate

1 the shift changes and additional bodies that
2 are required, takes time.

3 And we want to make sure that we
4 have a full year of training with not a lot of
5 new employees all at once, phase those in,
6 train them.

7 And so don't accelerate it quite
8 as much and make sure that operators that are
9 in good faith attempting to do that, have the
10 benefit of the FAQs and have the benefit of
11 this year, to make sure that the additional
12 work force and training and labor agreements
13 can be put in place so that we are in a
14 successful mode of complying.

15 MR. SHELTON: Larry Shelton,
16 Sunoco Logistics. Sunoco Logistics was one of
17 the companies that you see on there that
18 responded independently.

19 So I can say from -- on the
20 question of significance, section D was the
21 one section that we were by far most concerned
22 with in terms of being able to implement the

1 accelerated schedule that was in the proposed
2 rule.

3 As has been mentioned a couple of
4 times already, a lot of our understanding of
5 what actually is going to be required will
6 come from the FAQs, and the FAQs as we have
7 seen, we won't see before June or at least in
8 their final form, before June.

9 That gives us or would give us the
10 month of July to implement D, which means
11 determining exactly what is -- what
12 constitutes a good fatigue management program,
13 what changes we would have to make, shift
14 changes, adding staff as has been mentioned,
15 training that staff then.

16 It takes us six to 10 months to
17 train someone to be fully functional and able
18 to operate independently in the control
19 center, but even at that point there is still
20 a new control.

21 There's also indications that we
22 will probably have to make some capital

1 investments in the control center to bring
2 them to the standards and we certainly can't
3 redirect capital in a month and make those
4 changes in our control centers.

5 We definitely need at least a year.
6 Accelerating six months? We could probably do
7 that. Accelerating 18 months? We couldn't. We
8 don't see any way that we could possibly
9 comply.

10 MR. MARTIN: Dan Martin with El
11 Paso. You see us up here on the board with the
12 Xs across there. Really when we prepared our
13 response, I thought it was much more in line
14 with the response from INGAA, in that it would
15 be predicated on the basis of the work from
16 the SGA framework, as we had expended a lot of
17 time and energy working to develop that SGA
18 framework.

19 And then -- so I was a little
20 surprised here to see the Xs as opposed to Cs,
21 but regardless, that was some of the issues we
22 had.

1 And then with the draft FAQs that
2 came out, it does look like we are going to be
3 using a lot of the SGA framework materials
4 that have been put together.

5 So from our perspective, at El
6 Paso, I think an option 2 would be acceptable,
7 but I certainly understand and appreciate the
8 concerns voiced from the implementation, and
9 think an option C, certainly, coming back to
10 this gentlemen's question, would industry
11 support an option 3, I think it certainly
12 provides that other option and latitude in
13 there for those operators that have to bring
14 these people on and train them, allows them
15 the capabilities to get their people on board,
16 trained and still be within compliance and the
17 intent of this recommendation.

18 MR. WIESE: I just have a couple
19 of quick comments. One -- I want to be, you
20 know my job is to facilitate, it's not to
21 advocate. So I just -- I'm in the nature of
22 facilitating this, one thing I think we all

1 know, those of us who have been in the
2 regulatory game for a while, is that FAQs do
3 not create new requirements.

4 So I mean to over-emphasize FAQs
5 as opposed to what the rule says, I would urge
6 you to think about that.

7 Now I understand however, having
8 been in a rule like this where FAQs can really
9 clarify expectations, so don't get me wrong,
10 I just want to say I don't think we can rise
11 and fall on FAQs because it is really the rule
12 that we are debating here.

13 The second thing I would say, when
14 we talk about education and training in D,
15 okay, on fatigue, we are really only talking
16 about fatigue management training and
17 education.

18 We are not talking about, across
19 the board, about how do you do your job, you
20 know the alarm management and all that. I
21 think that's a separate conversation worth
22 having, because there were issues with that

1 section.

2 But just for clarity of the
3 members, the debate around D ought to focus on
4 awareness and education and training on
5 fatigue, and so I -- forgive me and I would
6 welcome comments on that, because you have far
7 more practical knowledge than I do about how
8 difficult it is to educate and train on
9 fatigue.

10 So you know, again the broader
11 training issue, different matter. This is
12 narrowly focused on D. So that is it.

13 MR. TAHAMTANI: Any other comment?

14 MR. DENTON: Yes, Todd Denton,
15 NuStar Energy. A comment and a question. Back
16 to Mr. Stursma's question on the fatigue
17 management, I think -- and to Denise's point,
18 AOPL and API teamed together on the comments.

19 There were about 20 companies in
20 that work group, and of course AOPL represents
21 about 49 operators. So -- and again the
22 comments were focused around fatigue

1 management and training.

2 And to the question on the
3 training, to your point Jeff, you know, I
4 notice in option 3 you are saying training
5 elements aligned to due dates of each element,
6 but what about that broader training? Is that
7 still allowing for that, I don't want to say
8 delay, but less accelerated date of August of
9 '12?

10 MR. COY: As for training, all
11 training in option 3 would be done by August
12 of 2012 except for any of the sections that
13 had a sooner implementation than the training
14 for that part will be due with that date.

15 MR. TAHAMTANI: All right other
16 comments, questions?

17 MR. BELLMAN: I guess to answer
18 your question from the perspective of the
19 smaller utilities, there is another date that
20 doesn't show up on this chart, and that is
21 August 2nd of 2011.

22 In the smaller utilities, we have

1 very small support staff and right now they
2 are flat out on distribution integrity
3 management and making sure that we get the
4 best product that we can out of that.

5 It's the same people that would be
6 hiring new controllers that are working on
7 that right now. And so we have that kind of
8 meshing together there, where I think from the
9 small utilities standpoint we can support
10 moving the D1 and 4 out to the August 1st,
11 2012 time-frame, because that then gives us
12 that additional year to be able to adjust to
13 that.

14 MR. STURSMA: I also wanted to
15 mention something completely different and
16 that is this document seemed to anticipate
17 that inspections will start in September of
18 2011, which is approximately the same time-
19 frame that states are going to begin doing
20 distribution integrity management inspections,
21 which is also about the same time where the
22 materials should be completed to start doing

1 public awareness plan inspections, plus in all
2 three categories there's going to be some
3 training ahead of that, and I think you see
4 what a load this is going to be for state
5 programs, doing three sets of specialized
6 inspections and related training, all at the
7 same time.

8 I know that the industry folks
9 just love to see us coming but now they will
10 get a number of extra visits, which is going
11 to draw on their resources.

12 And just to point out that
13 accelerating the control room management
14 schedule, you know, how that factors into the
15 overall picture of people having to get their
16 work done, you know.

17 I know you say that there's money
18 available to hire additional staff, well
19 between legislative resistance in the states
20 right now to any additional hiring, not to
21 mention the same issue industry has of getting
22 these people trained in time, that doesn't

1 really help us much.

2 And I don't know, maybe we can get
3 a waiver from doing anything else for the year
4 following August 1st.

5 PARTICIPANT: Yes, submit that in
6 writing.

7 MR. STURSMA: There's going to be
8 some practical problems with implementing all
9 this at the same time.

10 MR. TAHAMTANI: Byron, do you want
11 to respond to that or do you want to hear this
12 comment and respond to all of it?

13 MR. COY: I think I would like to
14 respond to Mr. Bellman. Many small gas
15 distribution companies don't have controllers
16 so even if -- if you don't have a controller,
17 you don't have control room management
18 regulations.

19 And many small companies, they
20 don't have a control room or persons assigned
21 to watch the operation of the system, they
22 depend instead on the field supervisors and

1 staff monitoring the pressures around the city
2 as it were.

3 So there would be a lot of small
4 companies that will not have to pony up to
5 this regulation at all.

6 MR. BELLMAN: I guess I would
7 respond to that, that the fatigue mitigation
8 section of the rule does apply to every gas
9 company, so if they have a controller and a
10 control room, they have to do this.

11 I know there are some exceptions
12 for those of us with less than 250,000
13 services, that we don't have to comply with a
14 lot of the other parts of this, but this is
15 the section that applies to everyone that does
16 have a controller.

17 And I would hate to try and guess
18 how many and don't have controllers but --

19 MR. DAVIED: This is Larry Davied
20 with Magellan. I want to repeat myself a
21 little bit there. We -- I am very interested
22 in accelerating and doing this moving as

1 quickly as we can, and I think most operators
2 are of that.

3 What we do not want to do is get
4 ourselves in a position of not understanding
5 and not being able to comply. Complying 70
6 percent, 99 percent, is not what we are after.
7 We want full compliance and to be able to do
8 that.

9 One specific example that many of
10 our liquid operators have, in some of our
11 satellite locations, you will have small spurs
12 of pipes that are managed locally.

13 If you are a controller for a
14 minute you are a controller incorporated by
15 this rule. And many companies are working
16 towards recognizing the full aspects of the
17 rule and its implications, is to move those
18 local controlled, small-spur pipelines into
19 more of a centrally managed control center.
20 And that is a good thing.

21 We don't want to do that in a
22 fashion that skips over steps of knowledge

1 that the local controllers have in
2 transferring that in.

3 And again, it's a case of FAQs,
4 draft format, they've been out now for a month
5 or so, but digesting and understanding what
6 those mean.

7 And I totally agree, it's -- they
8 are not the rule, but they help operators in
9 understanding how the rule will be looked at
10 and enforced from the regulators.

11 We had a really good example with
12 integrity management when that came out 10
13 years ago, of learning as you -- both
14 regulators, the public, but certainly the
15 operators -- learning as we went along.

16 And then were quick hit, initial
17 audits, things that were pointing out that
18 here are areas that need to be advanced and
19 worked on.

20 That spirit of advancing the cause
21 was very, very integral to, in my mind, for
22 successful implementation of integrity

1 management.

2 And it is very much -- that's --
3 we don't want to stub our toe on something of
4 not fully understanding or being misaligned.

5 It is not in any way of wanting to
6 delay. It is not in any way of saying control
7 room management is not important because it
8 is, and certainly it's hoped that it can
9 expedite lowering the consequence factor of
10 when a release does occur, and/or preventing
11 them entirely.

12 MR. WIESE: I just have a couple
13 of quick comments. One is, you know I, first
14 of all I agree entirely. Integrity management
15 as well as control room management are a
16 learning process, and people grow into that.

17 While I certainly can't speak for
18 my friends in state government, you know, what
19 I can tell you at the federal level, and I
20 think you know this to be true, that our
21 enforcement strategy was designed to
22 facilitate learning.

1 The initial phases of enforcement
2 that came in were not civil penalties, unless
3 of course you have totally blown something
4 off, right?

5 They were notices of amendment.
6 That's all. They basically said your program
7 has a gap. You need to fill the gap, you know?

8 And so I just -- I am with you but
9 I want to make clear for the record that our
10 goal is not, you know, rote compliance. The
11 goal is to improve control room management.

12 And we believe the route to that
13 goal is to build a strong program that is
14 backed up by knowledgeable people who are
15 trained and to deal with the fatigue issue,
16 you know, so we don't have people going to
17 sleep and having planes land on their own.

18 So anyway, just for the purposes
19 of those who are not involved as regulators in
20 the industry on a daily basis, I would say
21 it's important to note that yes, Don's point
22 is quite legitimate, you know, we as a group

1 have moved through a lot of regulations that
2 were almost entirely mandated by the U.S.
3 Congress. Am I right?

4 I mean, you don't remember all the
5 mandates in the PIPES Act so let's be clear,
6 we are trying to clear the decks of all the
7 mandatory items and move on to what we need to
8 do.

9 But I am sympathetic to the
10 discussion. My comments are not intended to
11 say that it is not difficult. The fatigue
12 stuff, we don't see, and particularly with the
13 smaller operators, Mike, to your comment, we
14 had talked with APGA about helping develop
15 through the security integrity foundation,
16 some guidance for smaller operators about how
17 to train for fatigue.

18 But really as a committee, it is
19 your prerogative to provide advice so we are
20 not here to argue with you, it's just really
21 trying to get your advice on is it good, bad,
22 you know, should we throw the whole thing out,

1 or is it pretty good and let's just make some
2 tweaks to it?

3 MR. PIERSON: Craig Pierson,
4 liquids. We think it's pretty good, do
5 appreciate having the option 3 tabled, and
6 while we do worry about compliance, we do
7 worry what FAQs say so that we can make sure
8 we are in compliance, but we are tinkering
9 with some pretty important stuff, and that
10 some caution is appropriate when we are adding
11 new controllers, and that is what this
12 requires.

13 We are working hard to accelerate
14 but some caution is appropriate and we think
15 that option 3 demonstrates an appropriate
16 amount of caution.

17 MR. TAHAMTANI: This is beginning
18 to look good. Any other comments?

19 (No response)

20 Well, if no other comments, then
21 Cheryl, you are going to tell us what to do
22 and how to do it.

1 MR. WIESE: Don't give her that
2 latitude.

3 MS. WHETSEL: Okay. I can already
4 see, I did these slides right before we
5 started the meetings yesterday, so I can
6 already see that the slides needs some -- oh,
7 Cameron is on the job. He already changed the
8 title so it is committee voting, and the
9 purpose is that the committees are to consider
10 each proposed natural gas or hazardous liquid
11 pipeline safety standard -- in this case it
12 applies to both -- published in the Federal
13 Register for its technical feasibility,
14 reasonableness, cost-effectiveness and
15 practicability.

16 And we will take a vote for each
17 committee separately, by roll call. I'm not
18 going to go over the next slide. I think you
19 know the Chairman is -- he will call for a
20 motion and the Chairman can also make a motion
21 and we will vote.

22 The quorum is majority of the

1 current members of the committee must be
2 present at the meeting, which we have 13 on
3 the gas side and 12 on the liquids side.

4 So that's a majority. So there's
5 always this use of the statutory terminology
6 and that makes it so much fun, so we will go
7 on to the three options Cameron.

8 I am sorry if I am going too fast
9 for newbies. You can ask me questions. I am
10 just putting the options up for how to call a
11 motion using the statutory language.

12 The first is, if you agree with
13 the proposal as it stands, the second is you
14 agree with the proposal but you are suggesting
15 changes, and then the third, would be that you
16 do not agree with the proposal and you don't
17 think it's technically feasible, practical and
18 whatever.

19 So once someone decides to make a
20 motion we can choose the correct slide. If
21 there's changes to be made, we will try to
22 make them on the computer as we speak.

1 Are there any questions? Thank
2 you. Questions?

3 MR. TAHAMTANI: Any questions
4 about the procedure? Are we ready for a
5 motion? Hold on a second.

6 MR. WIESE: I'm sorry, just to
7 facilitate because we did this once before and
8 it was confusing, we had both committees
9 together. We will call one committee at a
10 time, okay?

11 And I would also point out that in
12 your tab, under control room management,
13 towards the end, six or eight pages, there is
14 the sample language, you know, so it's just
15 one page and it says sample language to call
16 a motion, and you have it I guess in this
17 other handout in larger print size that even
18 I can read, so, and I am visually challenged.
19 So I think that's it, so it's your prerogative
20 to call one committee or the other I guess.

21 MR. TAHAMTANI: Well, I had a plan.

22 MR. WIESE: I'm under arrest.

1 MR. TAHAMTANI: I said are we
2 ready for a motion and I see my friend over
3 there who is on the liquid committee turned
4 his light on, so we will go to you.

5 And it seems that the liquid
6 committee is the braver group -- more
7 interested, either way -- so with that, to
8 you.

9 MR. SHELTON: Right, let's give
10 this a shot here. The proposed -- make a
11 motion that the proposed rule as published in
12 the Federal Register and the draft regulatory
13 evaluation are technically feasible,
14 reasonable, cost effective and practicable, if
15 it is changed to reflect option 3 as presented
16 by Mr. Coy in this meeting.

17 PARTICIPANT: Can we go back to
18 that? The options table. So that people
19 understand what they are voting on.

20 (Off mic discussion)

21 MR. TAHAMTANI: That table is also
22 in your presentation, that very last page.

1 Six. All right, so you have heard the motion.
2 You see the option on the screen and also in
3 your handout. Is there a second?

4 MR. DAVIED: I would second the
5 motion. Larry Davied, second the motion.

6 MR. TAHAMTANI: Do you need the
7 names or is he capturing the names?

8 MR. SHELTON: Larry Shelton made
9 the motion.

10 MR. STURSMAN: Point of order Mr.
11 Chairman. We had a question earlier on whether
12 the motion needed to specify which proposed
13 rule we are talking about and I didn't quite
14 catch what the answer to that was, but it
15 certainly seems reasonable that the motion
16 mention which proposed rule it is we are
17 voting on.

18 MS. WHETSEL: I think if he
19 inserts the subject matter, control room
20 management, would everybody agree that that is
21 sufficient? Okay.

22 MR. TAHAMTANI: I think we all

1 know what we are talking about here. Seriously
2 Don, I am trying to get you to lunch here.

3 (Laughter)

4 MR. WIESE: In your notebooks, so
5 fair question, the proposed rule was published
6 on September 17th, 2010, it's included within
7 your notebook, so what we are -- what you are
8 making motions on and will do by roll call
9 vote, is that you will be proposing that this
10 proposal on Friday, September 17th, 2010,
11 however you wish, up, down --

12 MR. DAVIED: Which is number two.

13 MR. WIESE: What?

14 MR. DAVIED: Essentially it is
15 option 2.

16 MR. WIESE: Which is option 2, or
17 you do as you wish in your motion, so, sorry,
18 just trying to explain.

19 MR. TAHAMTANI: We have a motion
20 and we have a second. Am I hearing that the
21 motion is inadequate in terms of the language?

22 MS. WHETSEL: Is everybody okay

1 with the --

2 MR. TAHAMTANI: Well, so was there
3 any discussion by the liquid committee, this
4 is a liquid committee vote. Any further
5 discussions?

6 If not, Cheryl do your thing.

7 MS. WHETSEL: I will just call the
8 names, and I am just going to call the names
9 of the people that are not here, just for the
10 record.

11 John Bresland is not here. Lula
12 Ford is not here.

13 (Laughter)

14 Oh, Lula Ford is sitting right
15 next to me. Sorry. Thinking of --

16 MR. WIESE: I am the one who is
17 visually impaired?

18 MS. WHETSEL: No, I am.

19 MS. FORD: Aye.

20 MS. WHETSEL: Okay, smarty. Okay,
21 Massoud?

22 MR. TAHAMTANI: Yes.

1 MS. WHETSEL: Okay. Larry Davied?

2 MR. DAVIED: Yes.

3 MS. WHETSEL: Todd Denton?

4 MR. DENTON: Yes.

5 MS. WHETSEL: Denise Hamsher?

6 MS. HAMSHER: Yes.

7 MS. WHETSEL: Craig Pierson?

8 MR. PIERSON: Yes.

9 MS. WHETSEL: Larry Shelton?

10 MR. SHELTON: Yes.

11 MS. WHETSEL: Okay. Geraldine

12 Edens is not here for sure. Richard Kuprewicz?

13 MR. KUPREWICZ: Yes.

14 MS. WHETSEL: Lisa Parker is also
15 not here. And Carl Weimer?

16 MR. WEIMER: Yes.

17 MS. WHETSEL: Okay. Ayes have it.

18 MR. TAHAMTANI: All right, that's,
19 for the gas committee, that is how it's done.

20 MS. WHETSEL: Can you tell he is
21 on the liquid committee?

22 MR. TAHAMTANI: All right, so for

1 the gas committee now, we need a motion and a
2 second to move forward.

3 MR. DRAKE: Andy Drake with
4 Spectra Energy. I would like to propose a
5 motion. The gas industry is on record with our
6 comments that we are basically okay with the
7 rule as it is and I think based on the
8 discussions that we have heard here, making
9 some space and some provisions to accommodate
10 all the other stakeholders seems prudent.

11 And in that light, I think the
12 proposed rule as published in the Federal
13 Register and the draft regulatory evaluation
14 are technically feasible, reasonable, cost
15 effective and practicable if the following
16 changes are made, and that is that we
17 incorporate the option 3 as previously
18 discussed in hazardous liquids technical
19 committee, in this proposal as well.

20 And that is my motion.

21 MR. TAHAMTANI: Thank you Andy. Is
22 there a second?

1 MR. WORSINGER: Second.

2 MR. TAHAMTANI: Any further
3 discussions by the gas committee?

4 (No response)

5 If not, Cheryl, are you ready?

6 MS. WHETSEL: Yes, let's see if I
7 can get it right. Wayne Gardner?

8 MR. GARDNER: Yes.

9 MS. WHETSEL: Collette Honorable
10 is not here. Don Stursma?

11 MR. STURSMA: Yes.

12 MS. WHETSEL: Michael Bellman?

13 MR. BELLMAN: Yes.

14 MS. WHETSEL: Andy Drake?

15 MR. DRAKE: Yes.

16 MS. WHETSEL: Susan Fleck?

17 MS. FLECK: Yes.

18 MS. WHETSEL: Dan Martin?

19 MR. MARTIN: Yes.

20 MS. WHETSEL: Rick Worsinger?

21 MR. WORSINGER: Yes.

22 MS. WHETSEL: Denise Beach?

1 MS. BEACH: Yes.

2 MS. WHETSEL: Richard Feigel?

3 MR. FEIGEL: Yes.

4 MS. WHETSEL: Rick Pevarski?

5 MR. PEVARSKI: Yes.

6 MS. WHETSEL: Paul Rothman?

7 MR. ROTHMAN: Yes.

8 MS. WHETSEL: And Alan Shuman is
9 not here.

10 And so I think the ayes have it.

11 MR. TAHAMTANI: Thank you all,
12 thank you Cheryl. I think this was a lot
13 easier the last time.

14 (Laughter)

15 MS. WHETSEL: We are improving.

16 MR. TAHAMTANI: We are getting
17 good at this so bring on the rules. Anyway we
18 are ahead of schedule so I would ask Mike
19 Israni to make his presentation and then we
20 will break for lunch.

21 MR. WIESE: I just have a quick
22 comment as we are getting going, I don't want

1 to lull those new members into a false sense
2 of security that our votes are always this
3 easy.

4 If we had a more substantive vote,
5 you know, this is really a procedural vote
6 about timing. But if you were here for the
7 last control room round, that was a different
8 matter.

9 But just seriously though, we
10 don't mean to constrain you to the options
11 that we put up here. They are meant to be
12 facilitative, so if you see a variance from
13 anything, that was meant to help you not
14 impede you in any way, so all right. Mr.
15 Israni.

16 MR. ISRANI: Good morning all. I
17 am Mike Israni. I am senior technical adviser
18 at PHMSA. So I will give you an update on
19 192-195 Regulatory Evaluation project that we
20 have -- we started doing this since last year,
21 and as you know, much of a code like 49 CFR
22 192 195 has been in place for decades, since

1 1970, and while much has changed, it's time
2 for PHMSA to have a fresh look at these
3 regulations to see -- the goal is to have
4 eventually no gaps, no overlaps, no revisions
5 -- the revisions just should clarify what
6 requirements are there.

7 So PHMSA formed an evaluation team
8 which has some senior staff from PHMSA
9 headquarters, regions, training and
10 qualification office, our attorneys and we
11 also had some state folks in this team.

12 So this project involves
13 evaluating the holes, gaps, differences,
14 deficiencies et cetera in 49 CFR 192 and 195.
15 We are calling all this systems, holes, gaps,
16 differences, you can see on this slide, the
17 holes are the categories of pipeline that are
18 not subject to PHMSA safety regulations like
19 production facilities, and the gaps are
20 requirements which are included in one part
21 but not in the other, like casing requirements
22 are in part 192 but not in 195.

1 And then differences between 192,
2 195, typical examples are corrosion
3 requirements, which are different, so are the
4 welding requirements.

5 And when I said deficiencies that
6 we are looking at in the regulations, those
7 are the imprecise language that can hinder
8 enforcement.

9 And the typical example of these
10 deficiencies are like to maintain the depth of
11 cover on these pipelines and there are
12 requirements which may not deal adequately
13 with potentially important risks.

14 The example I gave you, depth of
15 cover, as for this second one, may not deal
16 adequately with the potentially important risk
17 and the language which can hinder enforcement
18 is typically when we say adequate fire
19 protection requirements.

20 How do we define what is adequate
21 and how do we enforce? Those are the kinds of
22 things we are looking at these regulations to

1 clarify.

2 So we are getting input from all
3 inspectors in this project. I have just thrown
4 in this overall approach to give you a general
5 idea on what we are doing on this project.

6 For example you could see here to
7 -- okay let me see if I can make this work.
8 Okay. All right. It's not working. But anyway,
9 on the left-hand side, if you see, we are
10 comparing 192, 195 and then from that we are
11 leaving those regulations and finding holes,
12 gaps, differences and deficiencies.

13 We are also looking at all the
14 input that we got from regions and from the
15 inspectors from their experiences. We looked
16 at advisory bulletins.

17 So we look at these advisory
18 bulletins, waivers, special permits, NTSB
19 recommendations and NAPSIR resolutions. After
20 identifying all these gaps, holes and from all
21 these sources, we want to categorize them, we
22 want to put priorities on these to find out

1 which are the candidates for regulations.

2 So we have come this far, we have,
3 for all the -- up to 2010, all the input that
4 we got, we have come up with some candidates
5 which can be considered for regulatory
6 purposes.

7 But this is just our team's
8 perception. It has to go through the
9 management to decide. We have grouped those
10 topics by sections, by type of pipeline, we
11 have ranked them, which are significant, which
12 are controversial, which are you know,
13 feasible.

14 So we have ranked them accordingly
15 for management to review those and we will be
16 doing that shortly in-house, and then comes
17 the stage where we will communicate this with
18 everybody, meaning before we put the rule out,
19 we will either have workshops or we will have
20 an advanced notice of proposed rulemaking so
21 all the stakeholders have a shot at seeing
22 what these candidates are for the changes in

1 the regulation.

2 And so that is the stage we are at
3 at the moment. So everything is being done
4 internal so far, and the work is in progress.

5 By summer we should have some
6 comprehensive list of different items or
7 candidates we think are good for regulations.

8 Now, mind, if some of those
9 candidates have already been picked up in the
10 advanced notice of proposed rulemaking for
11 liquid ANPRM, some are being considered for
12 the gas.

13 So the remaining topics, remaining
14 subjects we are going to analyze and see if
15 they are worthy of future regulation.

16 This one just gives you a little
17 detail of how we are approaching each. For
18 example for the holes, we are looking at the
19 scope of each section, like you know in each
20 part, for gas, 192.1 and for liquid, 195.1,
21 there is a scope which gives you one of the
22 exclusions there.

1 So from those exclusions, our team
2 saw one of the potential holes of a legal
3 office, they looked at that statutory history
4 behind it and what were the jurisdiction is,
5 where we have jurisdiction but we do not
6 regulate.

7 So we looked at all of those and
8 then we listed them. This is a sample. You
9 can see how we formed the tables. This just
10 gives you a very small sample of what we have
11 done.

12 These are the onshore gathering
13 lines which are jurisdictional and in some
14 cases they are not regulated. For example
15 onshore gathering line between six and eight
16 inch, which is greater than a quarter mile
17 away from the USA, is not regulated, so these
18 are the kind of areas we are looking at, you
19 know, whether we should regulate those.

20 This is another example of holes
21 where we have jurisdiction in most areas but
22 those lines are not regulated. For example you

1 can see the hazardous liquid transportation by
2 gravity or underground storage.

3 So we picked up all of these
4 candidates, analyzing them, management will
5 look at them, will see which are the
6 candidates, discuss with the stakeholders and
7 finally they come up with regulation.

8 This is another example I am
9 giving for gaps and differences, how gaps, you
10 know as you can see, is a -- when it's in one
11 section but not in the other section, in one
12 part but not in the other part, and the
13 differences are when requirements are in both
14 parts but they differ.

15 We are not picking up very small
16 differences which are semantic or ones which
17 are appropriate for that commodity.

18 We will only pick up the major
19 differences. Here is a sample of how we picked
20 up the differences between 192 and 195 and our
21 team made some -- you know, these are team's
22 comments.

1 They are here change is needed,
2 here it is not needed. So these are the
3 samples. We have the complete list of all the
4 differences, what we found from 192 to 195.

5 For example 195.10, there are
6 requirements what operator, you know operator
7 may make arrangements with another person for
8 performance but the operator is not thereby
9 relieved from the responsibility.

10 This requirement is in the liquid
11 rule but it is not in the gas rule, so this is
12 a gap our team thinks should be filled.

13 Similarly we have some rules of
14 regulatory construction, which are in the gas
15 rule, which are not in the liquid side, so
16 this is how we are coming up with.

17 So as I mentioned, in the overall
18 flow chart we are going to group them, we are
19 going to rank them, and then management will
20 make a decision.

21 This is another example of how we
22 are ranking them. For example, class location

1 environments, which are there for the -- here
2 for gas and should we have similar for the HVL
3 or CO2 on the liquid side?

4 But you know, again, don't
5 consider this being the final because this is
6 still a preliminary work, in-house work, you
7 know, nothing is final.

8 Another example is you know the
9 offshore pipeline, after the hurricane whether
10 we should have -- we should require inspection
11 of those.

12 So we have an advisory bulletin
13 out there, we will consider those, and we have
14 -- our team thinks some of those are high
15 priority and implementation also is very
16 difficult, but again these are examples.

17 So these are steps, not -- we have
18 a project report meaning what we have done so
19 far. We are preparing a report for the
20 management to see.

21 They will look at these
22 candidates, they will decide and then we go to

1 the next step, select which are the candidates
2 for regulatory thing, so I am repeating some
3 of these things really just how we are
4 proceeding on this. Okay.

5 MR. TAHAMTANI: Any questions for
6 Mike? Mr. Stursma.

7 MR. STURSMA: Don Stursma. I
8 believe it was in the mid-'90s, NAPSRS had a
9 committee that did a part 192 195 review, and
10 did you have access to the when you were
11 working on this project?

12 MR. ISRANI: Don, we do have
13 members from NAPSRS on the committee, you know,
14 there are three candidates there. We have
15 tried to look at all the NAPSRS resolution and
16 other things, but this particular one, since
17 you mentioned, we will also see if there is
18 anything missing from that.

19 MR. STURSMA: I don't think there
20 was a resolution to go with that. I think it
21 was a committee report pointing out the
22 differences identified.

1 I mean obviously it is going to be
2 somewhat dated, but I would imagine some of
3 the comparisons remain valid. Mary McDaniel,
4 I remember, was on the group at that time, of
5 course she has been hijacked since, so she may
6 not have access to some of her former records.

7 But I would -- I don't know if I
8 have a copy of it or not. My office has
9 recently moved and I threw anything I might
10 ever need again.

11 But if you do not have it, get a
12 hold of me, and I will see if I can locate a
13 copy of it.

14 MR. ISRANI: Thank you. This is an
15 ongoing project, you know, we -- whatever we
16 have covered so far, is like a phase 1, we go
17 into a phase 2 later on.

18 MR. TAHAMTANI: Don, you provided
19 me a copy of that report and I provided it to
20 my person who is on this committee so they are
21 aware of it.

22 MR. FEIGEL: Gene Feigel. Mike, at

1 what point are going to involve the consensus
2 standards developers in this? I obviously
3 recognize that as the regulator, you have all
4 the authority number one, and number two, that
5 you are addressing many things that go beyond
6 the technical standards that you reference and
7 adopt.

8 But you are under some general
9 obligation to, by a variety of executive
10 directives, to adopt and use private consensus
11 standards, where that meets your regulatory
12 obligations.

13 And I think probably sooner rather
14 than later, it would be prudent to, you know,
15 involve those organizations that you -- that
16 are adoptive consensus standards.

17 MR. ISRANI: Yes, Gene, we have
18 been approaching this standards, selection
19 standards separately. We are participating on
20 the PSDOCC committee which has representatives
21 from all the standards-driving organizations,
22 whom we inform all the -- what research and

1 development is taking place, how that can be
2 put into some standards, and they in turn tell
3 us what are the new standards which are being
4 developed.

5 Some we participate, you know,
6 during the developing stage, some we don't. We
7 have a number of standards from NACE and API
8 including ASME B31Q, which are due for
9 adoption, and we are looking at them
10 separately because it would be too much to put
11 into this one package.

12 So in my next presentation you
13 will see how we are approaching like NFPA
14 standards so this will take only about 15, 20
15 minutes, 15 minutes to give you the update on
16 how we are adopting these new revisions.

17 MR. WIESE: But Gene, a fair
18 question, as you know for the rest of the
19 group and the public, it's -- let's see if I
20 can get this -- the pipeline standards
21 developing organization's coordinating
22 committee, PSDOCC, represents all the major

1 standards setting organizations dealing with
2 pipeline safety, formed around the time of
3 integrity management.

4 Mike and several of our other
5 folks are regularly on there, but a fair
6 question, so I was just asking Mike, if we can
7 brief the PSDOCC so we give an opportunity to
8 standards, you are right, it's a national
9 technology transfer and advancement act, and
10 then a couple of executive orders, put a
11 requirement on the regulatory agencies to
12 adopt consensus standards in lieu of
13 regulations where they exist, so happy to
14 brief that group.

15 MR. ISRANI: And in addition to
16 PSDOCC committee, every couple of years we put
17 out this periodic update rulemaking where we
18 look at all the standards, we update them, you
19 know, with all the latest additions, with all
20 the changes that are there.

21 And so that is based on that
22 Congressional policy that we adopt the

1 standards where appropriate.

2 MR. PIERSON: Craig Pierson,
3 liquids. Just a procedural question on two
4 points. How do you see cost benefit analysis
5 moving into this process and then involving
6 the committees?

7 MR. ISRANI: When we do the
8 periodic update rulemaking, when we do every
9 couple of years, we adopt standards, the
10 latest additions, at that time we do the cost
11 benefit study, that goes when we do the NPRM.

12 As far as 192 and 195, we are
13 still in the early stages, you know, we are
14 just picking candidates.

15 MR. WIESE: I don't know that it
16 will be helpful, but this is very preliminary
17 work. It hasn't hit a regulatory stage yet. We
18 are just working with our state partners for
19 the most part to say this is again -- when can
20 we ever have our agenda on pipeline safety and
21 not just be responding to Congressional
22 mandate after Congressional mandate.

1 We have a limited capacity to
2 regulate and develop new regulations. This is
3 if we get an opportunity and breathing room,
4 you know, what would we move to clean up our
5 regulations?

6 So really, to address yours, it
7 hasn't even entered the regulatory process so
8 it would go through everything, including this
9 committee, any changes.

10 MR. FEIGEL: Mike and Jeff, I
11 understand what you are saying and I
12 appreciate that. My perception though of this
13 process is that it's somewhat passive on the
14 part of the standards developers.

15 Your periodic review and adoption
16 of their standards, I mean that's been going
17 on for years and I understand that, but if you
18 are taking a fairly global overview that they
19 should be given -- should be involved at a
20 fairly early stage and given opportunities to
21 respond, rather than you sort of simply
22 stating that there are gaps, and then there

1 may be a regulatory gap because there is not
2 a standards fill.

3 Now that won't always work, I
4 understand that, because you have a much
5 broader scope than the technical standards
6 developers.

7 But I think if this were -- this
8 may be too preliminary, I understand but at
9 some fairly early stage, I really think that
10 that group should be brought in and given the
11 opportunity in effect to respond.

12 MR. ISRANI: Just to answer that
13 last part, Gene, our group, our team on the
14 regulatory evaluation is looking at some of
15 these gaps and differences and they do come
16 across their -- we do have some standard on
17 this and we have been looking at that too.

18 MR. TAHAMTANI: Okay if there are
19 no other questions I guess you will jump into
20 your next presentation.

21 MR. ISRANI: And this one, just 10
22 minutes. I just, as I told you, this may not

1 be on our agenda but I have included this
2 briefing sheet to you in advance, just to give
3 you an update on NFPA 58 and 59, what's
4 happening.

5 NFPA 58, just for your
6 information, is a liquefied petroleum gas
7 code, it governs use of LPG including non-
8 pipeline uses, and NFPA 59 is the utility LP-
9 gas plant code. Both of these are in our
10 current regulations under 192.11.

11 So when we did the periodic update
12 rulemaking which came out in August 2010, we
13 did not adopt 2008 versions of both codes,
14 both propane codes.

15 And the reasons we have explained
16 in our previous committee meetings, but mainly
17 that 58 had lesser requirements for -- these
18 are a few examples I gave: odorization; O & M
19 requirements; and public awareness planning.

20 Some of these requirements were
21 not as good as 192, and also they were -- for
22 59, which is an LP utility code, was

1 referencing 58 in a number of places, so we
2 could not adopt one or the other.

3 And there were some corrosion
4 control requirements that we had some concerns
5 about, so we did not adopt those latest
6 additions.

7 There was another issue under
8 192.11(c), was a primacy issue, which pretty
9 much says that in case of conflict, you follow
10 the standards, which is quite unusual for us
11 because our regulations, nowhere we mention
12 that in case of conflict you just follow
13 standard.

14 And because we did not have any
15 other propane requirements in 192.11, it was
16 pretty much a referencing this, it became
17 pretty controversial and very confusing for
18 our enforcers.

19 So we had put this in the periodic
20 update rulemaking but because the issues were
21 too broad, we had to do line by line analysis
22 compared to 192. We decided to have this as a

1 separate rulemaking.

2 So just want to give you current
3 status on what we did. We have comparison
4 being done on this. This current status shows
5 you that since we did not adopt these propane
6 standards, the code remains as is, meaning the
7 primacy issue is still in case of conflict,
8 follow standards.

9 So in other words, we feel
10 concerned that some of the requirements we are
11 not happy with, are still in the code. That's
12 why I am working on this new rulemaking.

13 So for that we have arranged
14 meetings with NFPA and AGA, AGA meeting we had
15 in February, on 24th of February, where we
16 discussed the 59 code, which is an LP utility
17 plant, and we all jointly agreed that we will
18 look at 2012 edition, not 2008 edition,
19 because there are many changes are being made
20 in the 2012 edition which will be satisfactory
21 to us, and some of the issues are being
22 resolved.

1 So similarly we want to have a
2 meeting with NFPA which is scheduled in July,
3 where we are going to compare our standard 58
4 with our 192 requirements and
5 once we have resolved those issues, for our
6 next edition of update rulemaking, we will
7 adopt those latest standards, and we will not
8 have a primacy issue anymore because this is
9 how we are going to approach.

10 We are going to address the
11 conflicts specifically in the regulations,
12 meaning where we see the differences that were
13 you know, not suitable, they are lesser
14 requirements, we can have 192 requirements, or
15 we can have a certain batch, like you know,
16 underground follow 192, above ground follow
17 NFPA, or follow 59 when it's within the
18 utility plant, follow 58, 59, which is a
19 propane code and outside that, follow 192.

20 So we are going to make it
21 simplified version in the code and our
22 regulations, so we don't have to give this

1 primary issue up in case of conflict, and
2 majority agrees that you know, that will be a
3 better approach.

4 So that's all I wanted to tell
5 you. And with both options, we have to make
6 sure that they are technically adequate, and
7 that's all I wanted to give you update on,
8 this 58, 59.

9 MR. TAHAMTANI: Any questions for
10 Mike?

11 (No response.)

12 MR. TAHAMTANI: All right. Thank
13 you Mike. If no questions, we are going to
14 break for lunch. The speaker after lunch is on
15 a short leash, quote unquote, so he is going
16 to be here right at one and we have to be here
17 to hear him and so you have got an hour and a
18 half, but at one o'clock please be here, be
19 seated, ready to go. Thank you.

20 (Whereupon the above-entitled
21 matter went off the record at 11:38 a.m., and
22 resumed at 1:01 p.m.)

1 last year, and I know that everyone is sort of
2 hanging on the edge of their chairs.

3 I want to say that I know Jim is,
4 you know, bound in how far he can go, but if
5 there is anybody who knows what is happening
6 on pipeline safety reauthorization, it's Jim.
7 So with that I will turn it over to you, sir.

8 MR. TYMON: Thank you. And it's a
9 pleasure to be able to be here to speak to you
10 today about pipeline safety reauthorization.

11 You know, Jeff has been a great
12 friend and he has been a great resource for us
13 over the past, well, since I have been doing
14 pipeline issues, for the past I don't know,
15 six or seven years now.

16 I will try to keep my comments
17 fairly brief so that we can have questions and
18 answers if that is okay, because you guys get
19 a lot more out of that than just hearing me
20 speak on these issues.

21 Let me start by saying that I work
22 for Congressman John Mica who is the Chairman

1 of the Transportation Committee, and I kind of
2 serve two roles on the committee right now.

3 I am the staff director for the
4 highways and transit subcommittee and -- but
5 I also oversee the pipeline issues, which is
6 under a different subcommittee, it's under the
7 railroads, pipelines and hazardous materials
8 subcommittee.

9 And the reason for that is back
10 before the Democrats took the majority four
11 and a half years ago, pipelines used to be
12 under the highways, transit and pipelines
13 subcommittee, and I handled those issues back
14 then when the subcommittee was constructed
15 that way.

16 So when the issue migrated to a
17 different subcommittee, I still retained
18 control over those issues, even though it was
19 no longer under the subcommittee for which I
20 am the staff director for.

21 So Chairman Shuster is the
22 chairman from Pennsylvania, he is the chairman

1 of the railroads, pipelines and hazardous
2 materials subcommittee, so on pipeline issues
3 I work for Congressman Shuster.

4 Last year, when the Republicans
5 were in the minority, we had, I want to say,
6 five or six pipeline safety reauthorization
7 hearings. We had a really aggressive schedule
8 of hearings that the Democrats pushed forward
9 which was great for us, because it laid a
10 really good foundation on what issues needed
11 to be addressed as we moved forward on
12 pipeline safety reauthorization.

13 Unfortunately we weren't moving at
14 such a quick pace that we were able to get a
15 bill done before the previous authorization
16 expired on September 30th of last year, but we
17 did lay a fairly good foundation, I think that
18 for the members that were part of the
19 committee last year, and went through those
20 six or so hearings, you know, they really got
21 to hear from a lot of different stakeholders.

22 We heard from the administrator

1 several times and we heard from a lot of -- we
2 covered a lot of different issues. Now most of
3 those hearings -- well, I don't want to say
4 most of them -- several of those hearings were
5 in response to certain high profile incidents
6 that had occurred over the last 12 months, but
7 they still provided some insight into what
8 pipeline issues needed to be addressed as we
9 moved forward with reauthorization.

10 As all of you know, pipeline
11 safety is quite a technical area. It's
12 probably more technical than most of the
13 issues that are overseen by the committee on
14 transportation and infrastructure.

15 So it's a pretty steep learning
16 curve for a lot of members that haven't gotten
17 really into the weeds on pipeline safety.

18 So even hearings that are say,
19 focused on a particular incident serve as a
20 kind of an educational tool for a lot of these
21 members bone up on what those issues are for
22 pipeline safety from a reauthorization

1 standpoint.

2 Now, if we turn the calendar to
3 this year, we have got a real -- another
4 interesting challenge. While the learning
5 curve is very steep for members on pipeline
6 safety just in general, I have got an issue
7 where I have 20 new Republican members that
8 are on the committee this year.

9 So they are coming in with really
10 no T&I experience, transportation and
11 infrastructure experience, and with pipelines
12 probably being one of the most technical
13 issues to have to learn, that learning curve
14 is just ridiculously steep for those 20 new
15 members.

16 I have 19 freshmen members on the
17 Republican side so this is going to represent
18 a real challenge for the staff and the
19 members, because we really want to see a
20 pipeline safety reauthorization bill done
21 before September 30th of this year.

22 So let's talk a little bit about

1 the schedule. Right now, the T&I committee on
2 the House side has two major pieces of
3 legislation that Chairman Mica would like to
4 see move in the next three or four months.

5 The first one is the FAA
6 reauthorization bill. That bill has been
7 operating under a series of 17 different
8 extensions going back I want to say almost
9 five and a half years, and the Chairman's top
10 priority is to get that bill to the
11 President's desk before the Memorial Day
12 recess and we are fairly confident we will be
13 able to do that.

14 The House version of the FAA bill
15 will be on the floor next week. Hopefully that
16 will go smoothly, we will be in conference,
17 and then the committee can kind of wash its
18 hands of that once it gets to the President's
19 desk and it's signed and then we can move on
20 to the next order of business.

21 The next order of business is the
22 surface transportation reauthorization bill,

1 the highway transit, highway safety programs.
2 Those expired September 30th of 2009.

3 And Chairman Mica has been very
4 interested in trying to move that through
5 committee before the Memorial Day recess, and
6 hopefully to the floor in May or June and that
7 is also a very ambitious schedule, because it
8 is a very comprehensive bill and it is not
9 something that we are just kind of moving the
10 ball forward with what has been done in the
11 past. Everybody is calling for kind of a
12 massive rewrite of those programs, which is
13 going to require probably a lot of time and a
14 lot of debate, both in committee and on the
15 floor as we move that forward.

16 But we are still hopeful that we
17 will get that through say Memorial Day, Fourth
18 of July time frame.

19 And then I think that's when the
20 committee starts to move forward on pipeline
21 reauthorization, pipeline safety programs.

22 The good news there is I think

1 there's consensus that we have been moving in
2 the right direction since the 2006 bill and
3 that there is probably not going to be calls
4 for just massive rewrites of federal pipeline
5 safety law, that it is going to be more of an
6 incremental measure where we take a look at
7 what has worked in the past and we will
8 continue to push that forward and we will take
9 a look at where there may be gaps or where the
10 law may not be fulfilling the role that we
11 think it should and we will address those
12 specific issues.

13 But we don't think we are just
14 going to be throwing out the existing law and
15 rewriting it from scratch. So that makes it,
16 hopefully, easier for us to get a bill through
17 the House and I know that the Senate is under
18 probably a shorter time frame than we are
19 actually.

20 So I am fairly confident that say
21 by the end of September of this year we will
22 have something ready to be signed by the

1 President.

2 We have a great working
3 relationship with our Democrats I think on
4 pipeline safety. Jennifer Esposito, who is the
5 staff director for the subcommittee that
6 handles pipeline issues on the Democratic
7 side, and I, have worked on these issues now
8 for five or six years and back when she was --
9 when the Democrats were in charge of the
10 committee, we had a commitment that we would
11 work in a bipartisan manner to try to get a
12 bill done.

13 We ran out of time and were unable
14 to do that, but I have that same commitment
15 with Jennifer to work with her to try to move
16 a bipartisan bill now the Republicans are in
17 charge of the committee.

18 So I think that we will be
19 working, probably starting to work this spring
20 with her to put together something and to move
21 forward.

22 Chairman Shuster has been very

1 interested in these pipeline issues and
2 really, with those hearings that we had last
3 year, dug into these issues and I'll be honest
4 with you, I haven't seen a member in a really
5 long time embrace real technical issues like
6 this like Chairman Shuster has.

7 And he has done a series of --
8 these series of hearings last year. We did a
9 listening session up in Pennsylvania to talk
10 a little bit about the two incidents from a
11 gas -- the two natural gas incidents that we
12 had, one in Philly and one in Allentown,
13 Pennsylvania, and he is very interested in
14 getting this bill done as well.

15 So on the Senate side, it seems
16 that Senator Lautenberg and the Senate
17 Commerce Committee are ready to move forward
18 with a revised version of the bill that
19 Senator Lautenberg dropped last year, which we
20 have taken a look at and we think that there
21 are definitely some things in there that we
22 like.

1 There are a few things in there
2 that we think may be overreaching a little
3 bit, but we are anxious to work with them in
4 getting a bill -- once they are able to get
5 that bill through, off the Senate floor, and
6 we are able to get our bill, we think that it
7 should be fairly easy for us to make some
8 compromises and move forward.

9 So, as far as specific issues go,
10 one area that is fairly easy for me to talk
11 about because my Chairman, Chairman Shuster
12 has been so vocal about it, is damage
13 prevention.

14 You know, we recognize that the
15 majority of these incidents are damage
16 prevention issues that -- and he has really
17 embraced call before you dig, and sponsored a
18 resolution on the House floor last year
19 commemorating April as national call before
20 you dig, or national call -- yes, and
21 advocating 8-1-1 and one call systems.

22 Unfortunately this year it is

1 going to be harder for us to do that. The new
2 rules in the House are such that we don't do
3 kind of commemorative resolutions anymore.

4 So we are trying to find a way to
5 still draw attention to 8-1-1 and one call
6 laws, but we may not be able to do a
7 resolution as we have done in the past.

8 But don't take that as a sign that
9 the Chairman is not as supportive of those
10 efforts. He certainly is. But I do think on
11 damage prevention, he is looking to push the
12 envelope a little bit further there, to make
13 sure that we are taking all the steps we can
14 at the federal level to encourage states to be
15 aggressive in their one call laws and their
16 damage prevention efforts.

17 One of the things that he has
18 spoken about specifically has been the
19 exemptions out there, that he doesn't
20 understand why there are some organizations
21 that are exempt from one call requirements and
22 he is looking to address that specifically.

1 We are obviously going to hear
2 from all sides on that, but that is something
3 that he has heard -- he just, it's not -- he
4 doesn't understand why it is possible, and
5 it's a very interesting -- I don't want to say
6 conflict of interest, but he is the Chairman
7 of the railroads subcommittee, and one of
8 those people who traditionally has one of
9 those exceptions there are the railroads.

10 So to some extent he is picking
11 amongst his children here, but he -- it's an
12 issue that he feels very strongly about so it
13 will be interesting to see how that plays out
14 as we move forward.

15 We are also interested to see what
16 the administration is going to put forward. I
17 know the administration has put forward a
18 reauthorization proposal last year, and I
19 think that we are -- there were things in
20 there that we thought we could live with and
21 move forward, but you know, there were some
22 other areas where we thought that maybe we

1 needed to hear more justification as to why
2 they wanted to expand some of the federal
3 reach per se.

4 And you know, we have been working
5 with PHMSA on those things. My understanding
6 at least is that they feel that the proposal
7 that they sent up in September of last year is
8 their proposal, that there may not be another
9 round of that, but we have also heard rumors
10 that maybe they will try to fold it into some
11 kind of legislative proposal from DOT on the
12 Surface Transportation Reauthorization Bill.

13 So we will have to see how that
14 plays out as we move forward, but I don't
15 think that is going to -- that will change the
16 schedule that we are on.

17 We still plan to probably
18 introduce a bipartisan bill some time this
19 spring or maybe early summer, move it through
20 the House and then conference with the Senate
21 some time this summer to get the bill to the
22 President's desk before the end of September.

1 With that, I will avoid all of the
2 more technical issues. I know that is where
3 you guys really thrive. But I will just close
4 and then let -- entertain any questions you
5 have.

6 MR. WIESE: First of all, thank
7 you Jim, for coming over. I appreciate it very
8 much and we are keenly aware of Congressman
9 Shuster's interest in exemptions.

10 We will have a lot of discussion
11 on topics here that I think you and the
12 committee will be very interested in. The one
13 on danger prevention, one of the things -- and
14 actually I think it was the Congressman who
15 asked us about exemptions in the hearings last
16 year and he wanted more information.

17 In response to that, we have put
18 an analysis of all the states' exemptions up
19 on the internet. We have tried to use the
20 power of transparency to motivate states.

21 But there are a lot of challenges.
22 We have a lot of state representatives here.

1 We have, you know, there are two committees
2 sitting here together and each committee has
3 five from the public, five from government and
4 five from industry.

5 So it's a really great forum to
6 get kind of those competing points of view on
7 there, so if we can be of any assistance in
8 this I am sure we would be happy to.

9 But yes, we share your interest in
10 the exemptions. I have found interesting the
11 little things, though. On municipals, we have
12 some municipal representatives here.

13 A couple of states have exemptions
14 written into their constitution. That's a
15 difficult thing for a municipality to change.

16 But the state, you know, could
17 take it upon itself, whether it's a big issue
18 or not, I know, and certainly the railroads,
19 who are our friends too, have their share of
20 those.

21 So, a lot of stuff coming up here
22 and I think it is all highly relevant and we

1 have been working hard to complete the
2 mandates on the PIPES Act. I think we are
3 largely done with that now.

4 This committee is instrumental in
5 helping us move all that stuff forward so, at
6 any rate, my thanks to the committee as well
7 for helping us make that kind of progress.

8 But I would say since you have the
9 opportunity, Jim has always been willing to
10 take questions, so feel free, anybody.

11 MR. DENTON: Todd Denton, NuStar
12 Energy. You mentioned the draft Lautenberg
13 Rockefeller bill. Do you anticipate in your
14 proposed bill that may be an additional
15 provision that is not in the Lautenberg bill?

16 MR. TYMON: Well, I don't think
17 that Chairman Shuster is going to take say the
18 Lautenberg bill and use that as his base. I
19 think we are going to start from scratch and
20 form our bill kind of from the ground up.

21 So I don't -- I wouldn't start out
22 by comparing, say, what would we add to the

1 Lautenberg bill. I would say that we are going
2 to start from scratch and build from there and
3 if anything we would probably -- traditionally
4 Congress tries to take what the administration
5 proposes first as a foundation and build from
6 there.

7 I can't say for sure that's the
8 way we are going to work with this bill but it
9 would be very unusual for us to take, say, a
10 Senate bill and build from there.

11 But we are taking a look at both
12 what the administration has put forward as
13 well as what Senator Lautenberg has done and
14 we are going to kind of cannibalize both, I
15 would say, to create our own, third option as
16 we move forward.

17 MR. STURSMA: You mentioned
18 several bills. I also understand there is one
19 filed by, I believe it's by Speier, which
20 rumors I have heard say it may have some legs,
21 and there's also the the Feinstein-Boxer bill,
22 which, rumor has it, probably doesn't have

1 much for legs. Would you care to comment on
2 those two?

3 MR. TYMON: I don't think that --
4 the Congresswoman from California is going to
5 be meeting with Chairman Mica in the next week
6 or so to talk about her bill.

7 I don't anticipate that that has
8 legs to move as its own piece of legislation.
9 If we are going to move a comprehensive
10 pipeline safety reauthorization bill, I don't
11 think it's productive to move kind of
12 piecemeal bills that are introduced by other
13 members.

14 But what we will do is we will
15 certainly sit down with the Congresswoman and
16 her staff and take a look at the bill that she
17 has introduced and see if there are pieces of
18 that that make sense to fold into our
19 reauthorization bill, the comprehensive bill,
20 as we move forward.

21 A good example of that is
22 Congressman Schauer from Michigan last year

1 had a standalone bill that addressed some
2 issues related to the Enbridge incident in
3 Michigan, and while I don't think we were 100
4 percent on board with the way that the
5 Congressman put together that bill, there were
6 certainly pieces here and there, or issues
7 that he addressed, that we would have
8 addressed in a comprehensive bill.

9 We may not have taken his exact
10 solution to solve those problems with regards
11 to response times and reporting times, but we
12 would have certainly addressed that issue in
13 some way, shape or form in the comprehensive
14 bill, and I think that is the same way that we
15 will approach the Congresswoman's bill, which
16 was done really in response to the San Bruno
17 incident. So --

18 MR. STURSMA: I hope you don't
19 take Mr. Schauer's response reporting time
20 recommendation, that -- but changing the
21 subject, I asked the same question of Ms.
22 Quarterman this morning, sort of similar, that

1 it seems like we have had a number of
2 incidents really, you know, Enbridge, San
3 Bruno, two in Pennsylvania and some other
4 things.

5 But at least in Congress, San
6 Bruno seems to be getting all the attention
7 and all the legislative remedies, although I
8 heard you say that Congressman Speier is
9 paying some attention in Pennsylvania.

10 But still, the legislation I have
11 seen seems to be focusing on addressing San
12 Bruno and not these other incidents. Do you
13 see that changing?

14 JMR. TAHAMTANI: Absolutely,
15 again, I think that's the difference between
16 these bills that are done that are in response
17 to a specific incident. Congresswoman Speier's
18 bill was done in response to San Bruno and
19 really kind of addresses San Bruno-related
20 issues.

21 Congressman Schauer's last
22 Congress was in response to the Enbridge

1 incident and looked at specific issues that he
2 thought arose from that incident and tried to
3 correct them.

4 But neither of those were
5 comprehensive bills. The Senators from
6 California, their proposal's a little bit more
7 comprehensive but it is still not the broad-
8 based reauthorization type bill like the
9 Lautenberg bill is.

10 So I think that Congressman
11 Shuster's bill that he will put forward on
12 reauthorization will be more comprehensive. It
13 won't be in response to say, the incident at
14 San Bruno or the incident in Michigan or the
15 two incidents in Pennsylvania.

16 He will be looking broadly at, you
17 know, pipeline safety, what needs to be done
18 and again, one of the things that you will --
19 if you have listened to what Chairman Shuster
20 has said over the past year or year and a
21 half, is that he recognizes that you know,
22 pipeline transportation is still the safest

1 mode of transportation, especially for these
2 products. We don't really have another option,
3 and that while there have been several high
4 profile incidents recently, the safety record
5 for pipelines still is an outstanding one.

6 And you know, we are going to
7 build off-of that reputation. We are going to
8 certainly strive to improve safety but we also
9 recognize that pipelines are traditionally a
10 very safe mode of transportation and that they
11 are really the most -- the safest and most
12 efficient way to move the product that they
13 move.

14 MS. HAMSHER: I sort of hesitate
15 to make a comment after our -- Denise Hamsher
16 with Enbridge -- our incident, unfortunate
17 incident that was referred to.

18 But I will make a general comment
19 about the -- encouraging you to have a broader
20 perspective as you did. With the NTSB
21 investigations, and the root causes analysis
22 taking so long to get to, and a lot of

1 speculation in the early days when there is
2 anger and concern particularly extraordinary,
3 that measured longer-term approach, with the
4 benefit of a root cause analysis rather than
5 speculation, I think would help us all.

6 Because some of these may not be
7 legislative gaps. Some may be regulatory gaps.
8 And to go and fill some gaps that don't exist
9 I think too quickly, I don't think serves the
10 national interest.

11 MR. TYMON: I agree with you 100
12 percent and this is one of the advantages of
13 the legislative process really not being as
14 swift as most people probably would like to
15 see it.

16 But the fact that say a
17 Congressman Schauer can introduce a bill kind
18 of -- and I don't want to say it was done in
19 the heat of the moment, because I think there
20 was a lot of thought put into what he put
21 together, but the fact that it didn't just
22 breeze through Congress on both the House and

1 the Senate side and find its way to the
2 President's desk, I think, is a signal that
3 Congress isn't always reactionary, that we do
4 put thought into some of these things.

5 You may see these standalone bills
6 introduced as a way for members to go back to
7 their constituents to say look, we are paying
8 attention to these issues and this is
9 important to my district because of this
10 incident.

11 But to some extent you know, I
12 think the committee has tried to provide a
13 more balanced approach and they try to step
14 back from the reactionary or the immediate
15 reactions when you have an incident and tend
16 to step back and say well, what are the
17 fundamental problems here that are going on?
18 Is there actually a problem with the law or is
19 this an isolated incident?

20 And we do try to take that
21 measured approach you know so again I wouldn't
22 be extremely alarmed about some of these

1 standalone bills, but at the same time, don't
2 expect Congress to just ignore the fact that
3 there have been some high-profile incidents
4 and that those incidents may or may not be
5 kind of -- provide us with a glimpse of maybe
6 some gaps from a regulatory standpoint or a
7 federal law standpoint.

8 MR. WIESE: I just have a real
9 quick comment, just to second what Denise
10 said, I would like to think, and I believe,
11 that collectively we don't wait for laws, we
12 don't necessarily always wait for regulation.

13 There are coming some examples
14 this afternoon, for example, it's not clear
15 from the title we put on it, but Andy Drake
16 down there and probably Dan, will be talking
17 to us about work that we have done together to
18 address risks we have found in new
19 construction. Did not require regulation.
20 Needed to be done now, you know, and not --
21 couldn't wait for that process.

22 So when you talk about PIPA, while

1 there was Congressional interest in earlier
2 authorizations, we largely completed that, but
3 that is work that 135 different stakeholders
4 have put together, best practices across the
5 country.

6 And when you look at damage
7 prevention, really the bulk of damage
8 prevention is done by the stakeholders who all
9 have a share in the outcome of how that comes.

10 So I would like to say that as a
11 group we have come a long way, as we have
12 figured out how to work together on problems
13 without waiting for people to tell us what to
14 do.

15 You know, and so again, this
16 committee is instrumental in that. We are
17 evolving the committee from being a technical
18 committee who just votes on our rules, to
19 being more of a policy advisory committee so
20 I think that will serve us all well as we go
21 forward.

22 MR. TYMON: Yes, and if I can just

1 add on that, Administrator Quarterman was in
2 to see Chairman Shuster last week and one of
3 the issues that they discussed pretty broadly
4 was that again, with pipelines being such a
5 technical area and sometimes issues -- members
6 of Congress aren't always able to foresee some
7 of these real technical issues that could come
8 up from a regulatory standpoint.

9 There's I think consensus out
10 there that the law should be fairly broad and
11 provide the administration the regulatory
12 flexibility to address issues as they come up
13 and I think you will see that approach
14 continue in whatever bill is put forward to
15 the President, hopefully by the end of the
16 year.

17 MR. GARDNER: Wayne Gardner from
18 Pennsylvania Public Utility Commission, and I
19 thank the Congressman for coming up and doing
20 his Congressional hearing not too long ago in
21 King of Prussia, Pennsylvania.

22 But one thing that I would like to

1 reinforce is the overall age of our pipeline
2 and distribution networks, and while we have
3 an exemplary safe record during that 50 to 70
4 year period, the sad fact is that that
5 infrastructure is ageing, it will require
6 additional attention and it will also require
7 additional resources.

8 And I don't want -- I don't think
9 that we should allow that very fact to fall
10 through the cracks, that we are going to be
11 needing additional resources going forward, to
12 deal with this very, in some parts of
13 Pennsylvania, I would even say ancient
14 infrastructure.

15 MR. TYMON: Well, I will say that
16 -- especially the two incidents in
17 Pennsylvania, we got more calls related to age
18 of infrastructure than anything else, because
19 when people started to hear 80 years and 50,
20 60 years for some of the pipeline
21 infrastructure, I think it was a shock.

22 And that just, again, you know,

1 the public I think doesn't think about
2 pipelines because they don't see them. You
3 know, you drive on roads, you see freight
4 railroads, you take public transportation
5 systems.

6 But you generally don't see
7 pipelines and you don't really think about
8 well how does my natural gas get into my home
9 and how old is that infrastructure that is
10 transporting that?

11 So I think that again, there is
12 another educational element for us to continue
13 to educate folks that you know, some of this
14 infrastructure is extremely old.

15 But at the same time, on the
16 federal level, we are usually not involved in
17 providing funding to replace that
18 infrastructure, depending on who owns the
19 infrastructure, if it's a municipal gas works,
20 then it's up to the municipality and the state
21 to kind of work out a deal on how to do that.

22 So we are somewhat out of that at

1 the federal level. What we want to do is make
2 sure that we are providing adequate resources
3 for the state regulators to be able to inspect
4 and provide the level of safety that they
5 should be providing and I know that that has
6 been an issue and that is an issue that was
7 discussed in King of Prussia, and we are going
8 to continue to explore how we can help with
9 that issue.

10 MR. FEIGEL: I would just like to
11 make sort of a general comment about the
12 ageing issue. I think we need to be cautious
13 about sort of creating a snowball rolling down
14 the hill about ageing. It's a much more
15 complex issue than that and the notion that at
16 some arbitrary point, that old pipe is bad
17 pipe I think is a very simplistic view of what
18 is going on, and that we should not continue
19 to foster that attitude, that something that
20 is, you know, the normal layman will look at
21 that and say that's got old stuff, old
22 infrastructure, you know, there's a lot of

1 that in the popular press and that we just
2 need to be cautious first of all and take a
3 much more multivariate scientific view of how
4 we look at that and a body like this, help
5 foster the notion that old pipe is bad pipe.

6 MR. WIESE: You know Gene, I used
7 to think that when I was younger I thought
8 ageing was a real problem, but the older I
9 get, the more I tend to agree with you on
10 these things.

11 So, but it doesn't diminish I
12 think the point Jim was making which is in the
13 public debate, and we see this because we go
14 into communities all the time, that's a very
15 real issue. It's a very tangible issue.

16 We need to educate people on that
17 and we have to think about how do we
18 reestablish community assurance, and so
19 whether it's a requalification program, or
20 something, you know, to ensure that the lines
21 are fit for service, I think that's going to
22 be the debate as we go forward.

1 MR. FEIGEL: Jeff, I don't
2 disagree that the public perception is where
3 it is. All I am suggesting is that we should
4 not just sort of feed that.

5 In fact, we need to be very
6 careful about the response. I was talking at
7 lunch -- I will give you an example. My
8 company still insures riveted boilers that
9 were built in the 1920s.

10 Now, if we do have to repair one
11 it's hell finding somebody who can drive
12 rivets anymore in this country. But we take a
13 careful overarching view of those kind of
14 risks and they can still be clearly
15 acceptable.

16 And I am just repeating myself.
17 Let's not push that snowball further down the
18 hill. It's got plenty of momentum on its own.

19 MR. TAHAMTANI: Any other
20 questions or comments? Mr. Pevarski.

21 MR. PEVARSKI: Rick Pevarski. I
22 operate the one call center here in Virginia,

1 and just to comment on the exemptions, I think
2 a lot of those were written quite a while back
3 when software was such that the railroads and
4 the highway departments in particular were
5 concerned about exorbitant amount of
6 notifications.

7 But currently most one call
8 centers across the state utilize GIS systems,
9 you know, we have road center line files,
10 orthophotography, parcel data. That becomes
11 less and less of an issue right now.

12 MR. TYMON: I agree with you, you
13 know, some of the -- PHMSA brought some of the
14 staff down to Atlanta a couple of years ago
15 and we went and visited one call center down
16 there and really got a chance to walk through
17 how that works.

18 And we actually also got to sit
19 down at the control center for Colonial and
20 watch them as they kind of dealt with some of
21 those tickets that came in as well.

22 So I think we understand that at

1 the staff level and at the member level
2 obviously there will be politics involved in
3 addressing some of these exemptions.

4 But I think we are going to take -
5 - what I can promise you is that we are going
6 to take a hard look at all of those exemptions
7 and then make people re-justify why we need
8 them, so we will be hearing from both sides on
9 that.

10 MR. STURSMA: One thing, you know,
11 looking at exemptions, first of all some
12 people to think that all exemptions are bad,
13 and I certainly disagree with that. A lot of
14 them serve a very practical purpose, like Iowa
15 law exempts cemeteries, which seems to make
16 sense.

17 But also, looking at both our law
18 and other states' laws, there's you know, you
19 can tell a lot of those laws, there was a lot
20 of political compromising going on, and while
21 hopefully the parties maybe got used to one
22 call in the intervening years, still there is

1 a lot of fear of what is going to happen if
2 you reopen those laws.

3 So I hope that you know, some
4 version of one call ideological purity doesn't
5 start you know, opening up state laws where
6 the results could -- might not be an
7 improvement.

8 MR. TYMON: I am a big fan of
9 making sure that the perfect is not the enemy
10 of the good, so I sympathize with you so we
11 will be cognizant of that as we move forward
12 as well.

13 MR. TAHAMTANI: All right.
14 Anything else? Well, thank you Jim for taking
15 time out of your busy schedule to be here with
16 us.

17 The next item on the agenda is a
18 briefing on gathering lines. And again you
19 have these briefing papers in your notebook.
20 So with that I will turn it over to Keith.

21 MR. COYLE: Okay, while I am
22 waiting for my laptop to get started here I

1 will introduce myself. My name is Keith Coyle.
2 I am an attorney with the Office of Chief
3 Counsel.

4 I represent the western region in
5 their enforcement matters and I have also been
6 helping my partner in crime, Dewitt Burdeaux
7 in doing some regulatory work on gathering
8 lines.

9 And that is what we are here this
10 afternoon to kind of talk to you about. We are
11 going to do a two-part presentation. I am
12 going to start off discussing some of the
13 background information, things with the
14 legislative and regulatory history.

15 Then I will touch on the current
16 requirements that we have in the regulations
17 for gathering lines and then I am going to
18 pass it over to Dewitt to handle some more in-
19 depth analysis of the current requirements and
20 some of the concerns that we have with the
21 regulations that are in place now.

22 So basically this is just a break-

1 down of how the presentation is organized. As
2 I just mentioned I am going to discuss the
3 history.

4 We will start with the 1968 act
5 that dealt with gas that included a statutory
6 exclusion for rural gas gathering, then we are
7 going to talk about the 1979 act that dealt
8 with liquids, included a similar exclusion.

9 Then we will discuss the 1992
10 mandates on gathering lines and then also we
11 will mention another mandate, the 1996 statute
12 that dealt with information collection for
13 gathering lines.

14 Then we are going to discuss the
15 two most recent rulemakings that dealt with
16 gathering lines, the 2006 final rule that
17 dealt with gas gathering lines and then the
18 2008 final rule that dealt with hazardous
19 liquid gathering lines.

20 Then Dewitt is going to take over
21 and he is going to provide you with some
22 slides and discussion on the reasons why we

1 think some rulemaking is needed and then we
2 are going to wrap up and kind of discuss what
3 we are thinking of doing at the preliminary
4 stages now as far as moving forward with some
5 proposed actions.

6 So as I just mentioned, the first
7 significant statute on the gas side was the
8 1968 Natural Gas Pipeline Safety Act. That was
9 the original authorizing legislation that gave
10 the Department of Transportation the authority
11 to regulate natural gas pipelines and persons
12 engaged in the transportation of gas.

13 That statute did include an
14 exclusion for gas gathering in rural areas and
15 if you look at the legislative history and the
16 committee reports and some of the testimony,
17 it was pretty clear that Congress included
18 that exception because they thought, at least
19 at that time, that this was an area that was
20 best regulated at the state and local level.

21 And for those of you who do some
22 work on the FERC side you will know that in

1 the 1938 Natural Gas Act there was a similar
2 type of exclusion included in there for
3 gathering too, so it was kind of consistent in
4 that regard.

5 After the '68 act was passed, DOT
6 started to issue regulations pursuant to that
7 statute and in 1970, the department issued the
8 original versions of 49 CFR Part 191 and 192:
9 191 is where the natural gas reporting
10 requirements are and 192 the substantive
11 requirements for natural gas pipelines.

12 Consistent with the statutory
13 exclusion in the '68 act, both of those parts
14 of the CFR included exclusions for rural gas
15 gathering, and they also included in 192, a
16 definition for a gas gathering line and I
17 placed the actual definition up there because
18 it is still in the regulations today, and it
19 is a pipeline that transports gas from a
20 current production facility to a transmission
21 line or main.

22 And you will see that you know,

1 basically for four years after that definition
2 came out, the department identified some
3 serious problems with the definition at the
4 time and they issued a notice of proposed
5 rulemaking to modify that definition.

6 Basically, some of the comments in
7 the rulemaking history made clear that they
8 thought it was circular, that some of the
9 terms weren't clarified, major problems
10 identifying start points and end points of
11 gathering, some of the issues that we still
12 see today.

13 That rulemaking was not
14 successful. In 1978, the department withdrew
15 the proposal and it didn't go forward from
16 that point. There was another attempt to do a
17 regulatory definition for gathering later in
18 the '90s but that also was unsuccessful.

19 In 1979, Congress passed the
20 Hazardous Liquid Pipeline Safety Act. Now that
21 statute was modeled in several respects on the
22 '68 act that dealt with the gas side.

1 And basically the statute provided
2 the department with the authority to regulate
3 hazardous liquid pipelines in the same manner
4 as it had on the gas side.

5 It also included an exception for
6 gathering lines in rural locations as well as
7 some of the other exceptions I listed on there
8 for onshore production, refining,
9 manufacturing and associated piping.

10 That statute, the '79 act had
11 replaced an earlier statute that was designed
12 for the transportation of explosives,
13 basically, so it was very cumbersome to
14 regulate under that act.

15 When the '79 act went into place,
16 about two years later, the department issued
17 new regulations in part 195 on the hazardous
18 liquids side.

19 As they had when they issued the
20 first regulations on the gas side, the first
21 regulations on the liquids side excluded all
22 hazardous liquid gathering lines in rural

1 locations, consistent with the '79 act.

2 And I put a little note in here
3 because this is something that I didn't know,
4 that I just found out recently in doing some
5 research, that prior to the enactment of the
6 '79 act, the accident reporting requirements
7 in 195 applied to hazardous liquid gathering
8 lines in rural locations.

9 That was actually changed in '81
10 based on the language in the statute in the
11 '79 act just as a reference point when we
12 start to talk about some of the reporting
13 requirements.

14 So that is basically where the
15 regulation of gathering lines stood for quite
16 a while throughout the '80s and '90s at least
17 the early '90s.

18 And the next statutory change that
19 we saw in gathering lines came in the Pipeline
20 Safety Act of 1992. I'm sure most of you are
21 familiar with that.

22 Basically in that statute,

1 Congress gave the department the authority to
2 override the exclusions that existed for
3 gathering lines, gas and hazardous liquids in
4 rural areas and they also included some terms
5 and conditions on how that had to be satisfied
6 if DOT were to decide to regulate those lines.

7 If you go back and look at the
8 mandate in the '92 statute, you will see that
9 there were two parts, we want you to establish
10 a definition for gathering line, and then if
11 you wanted to define the term regulated
12 gathering line, you need to consider certain
13 factors: location; size of the line; length
14 from the well, those sorts of things, in doing
15 a rulemaking, and that was in the 1992
16 statute.

17 Now that mandate is still in the
18 pipeline safety laws today. And then four
19 years later, in 1996, Congress came around and
20 passed a statute that basically clarified that
21 in determining whether or not to regulate
22 gathering lines on the gas and liquid side,

1 that the department had the authority to
2 require that owners and operators of those
3 lines provide us with information for that
4 purpose.

5 Basically there had been some
6 question as to whether or not the department
7 had jurisdiction to ask people to provide
8 information. Congress came back in '96 and
9 basically clearly said that we did.

10 The first DOT final rule on
11 onshore gas gathering, that final rule came
12 out in March of 2006. Dewitt was very
13 instrumental. He worked on that rule. He is
14 going to talk about it a little bit more later
15 so I will just kind of touch on things here.

16 I provided some pretty extensive
17 language for accuracy, but Dewitt will handle
18 that more on the technical stuff.

19 But basically the final rule used
20 the API RP 80 as the basis for defining an
21 onshore gas gathering line. They included
22 certain limitations in the regulations

1 themselves that Dewitt is going to discuss.

2 The final rule established two
3 categories of regulated onshore gathering
4 lines. We have type A regulated onshore gas
5 gathering lines and there's the requirements
6 that are listed up there: metallic lines with
7 an MAOP of 20 percent or more of SMYS,
8 nonmetallic lines with an MAOP of more than
9 125 psig in a class 2, 3 or 4 location.

10 I listed the requirements that
11 those lines are subject to type A gathering
12 lines. All the requirements that apply to
13 transmission lines except for the requirement
14 for accommodation of smart pigs in new and
15 replaced lines, the gas requirements and they
16 are also allowed to have an alternative
17 process for complying with OQ.

18 The second category of onshore gas
19 gathering lines are the type B lines. Those
20 are metallic lines with an MAOP of less than
21 20 percent of SMYS, nonmetallic lines with an
22 MAOP of 125 psig or less, in a class 2

1 location -- there are some formulas that are
2 used to determine that, which if you are very
3 interested, Dewitt loves talking about that --
4 or in a class 3 or 4 location.

5 For the type B onshore gas
6 gathering lines I listed the requirements up
7 there as well. I will let you read those. I'll
8 breeze through them through real quick.

9 Any new or substantially changed
10 lines you have got design, installation,
11 construction, initial testing and inspection
12 requirements that are applicable to
13 transmission lines, and if those lines are
14 metallic, corrosion control requirements for
15 transmission lines.

16 I've also got damage prevention
17 and public education requirements,
18 establishing the MAOP of those lines under
19 192.619 and line marker requirements for
20 transmission lines.

21 In June of 2008, the department
22 issued a final rule that dealt with petroleum

1 gathering lines. In that final rule, similar
2 in some ways to what they did on the gas side,
3 we established a definition for petroleum
4 gathering lines and it's a pipeline 8-5/8
5 inches in diameter or less that transports
6 petroleum from a production
7 facility.

8 We also established a definition
9 for a regulated rural gathering line. The
10 requirements are up there. Dewitt is going to
11 discuss that a little bit more in depth when
12 he gets to his presentation so I will leave
13 that for him to get into.

14 We also established some new
15 safety requirements for regulated rural
16 gathering lines that Dewitt is also going to
17 amplify in his presentation.

18 But before I pass it over to
19 Dewitt, did anyone have any questions on any
20 of the statutory, regulatory background that
21 we have gone through so far?

22 MR. GARDNER: Did you make your

1 presentation available?

2 MR. COYLE: We do not but we
3 certainly will --

4 MR. BURDEAUX: You did not have
5 copies of it but it will be part of the record
6 and Cheryl can also distribute it.

7 MR. COYLE: Dewitt is also always
8 available especially on the weekends if you
9 want to call him.

10 (Laughter)

11 MR. BURDEAUX: Okay. A quick
12 introduction. My name is Dewitt Burdeaux. I am
13 with PHMSA's office of inspector training
14 qualifications.

15 As Keith alluded to a couple of
16 times, I somehow was in DC one day with -- on
17 another project and opened my mouth and
18 suddenly found myself in charge of this
19 rulemaking project.

20 So many of the members of the
21 committee who have served for many times, have
22 heard some of this stuff before. You voted on

1 some of the proposals that I threw out in
2 front of you back in '05 and probably '07.

3 Just about that time I decided to
4 change course in career and go and work in the
5 gathering and production industry for a couple
6 of years, and I found out after a little while
7 that I liked it here so I have been back with
8 PHMSA for a couple of years now.

9 And I guess Jeff held onto all of
10 this work just to give me something to do when
11 I returned. So Keith gave you a good bit of
12 the background on what we did and both from a
13 statutory standpoint and from a lot of
14 industry interaction that I did between 2003
15 and 2006 specifically with the gas gathering
16 side, came to, I don't want to say a
17 compromise, but taking a risk-based approach
18 to regulating these things based on potential
19 energy releases and so forth.

20 Very similar, I worked a lot with
21 API and AOPL on the hazardous liquids
22 gathering rulemaking that is on the board

1 right now to approach it from the same way
2 based on the amount of product potentially
3 released from some of these things and the
4 environmental damage that it could potentially
5 pose.

6 So that's a little bit of the
7 background on where we were, and what we have
8 learned over the past three or five years
9 depending on which rule you are looking at, is
10 really what I want to talk about.

11 Because when we did both of these,
12 one of the large challenges, as Keith pointed
13 out, is there are a lot of miles of pipeline
14 out there that we don't regulate, and I will
15 get into some numbers in a minute.

16 Since we don't regulate those
17 entities, we really don't have a firm handle
18 on what is actually going on out there. I
19 mean, it's just a given fact.

20 We haven't collected that data
21 since 1978 or so and Keith was two then and I
22 was a little older, but approaching a

1 rulemaking and to satisfy this committee,
2 because one of the things that you do have to
3 evaluate is the reasonableness and the cost
4 benefit of anything that we propose to
5 implement and so coming up is a struggle from
6 that perspective. I can attest to that.

7 What I want to talk about though,
8 is what we have done and what we have seen,
9 just my personal observations both on the
10 industry side and back on the regulatory side.

11 And I am going to start with the
12 gas and I have got to segregate it out and
13 talk about these as separate issues because
14 they are very different in the complexity of
15 the problems, the risk factors associated with
16 them and so forth.

17 As Keith mentioned, we did use a
18 fairly lengthy document generated by an API
19 working group called Recommended Practice 80
20 instead of trying to modify the current
21 definitions in 192 to frame the regulatory
22 population of gathering lines that we are

1 going to be looking at, and we are talking
2 only onshore.

3 There was some language and still
4 exists in the recommended practice that didn't
5 fit with our historic view of where gathering
6 ceased or where gathering began and we
7 intended, we placed some regulatory language
8 in part 192 with an intent to, let's say, put
9 some constraints or put a box around it so to
10 limit some potential abuse that is built into
11 the document.

12 In drafting and so forth it's come
13 to our attention, we have had to address this
14 on a couple of occasions with a request for
15 some informal interpretations, that we did
16 leave a couple of small loopholes there and as
17 a result of those loopholes, unfortunately,
18 they are none of them in this room, but there
19 are some players out there who like to use the
20 loopholes to get out of regulation and we have
21 seen evidence of that.

22 There is some conflicting and

1 ambiguous language contained in the RP. I was
2 in a particular state back during the summer
3 working with the state regulatory commission
4 and met with a couple of operators and we sat
5 down and did some what if scenarios with their
6 systems and so forth.

7 And using the language in the
8 recommended practice, both the regulator and
9 the operator could successfully argue the
10 beginning and end points and both be right,
11 and be completely opposite from each other,
12 using the language in the practice.

13 So we have seen some problems in
14 the application of the practice itself and we
15 have also seen some misuse, taking that
16 language and pushing things much further
17 downstream, circumventing being regulated by
18 any entity whatsoever.

19 One of the things that we talked
20 about in doing the risk basis, when Keith
21 mentioned the 1992 act, one of the things that
22 the Congress gave us the latitude to do at

1 that time, prior to that act, Congress was
2 very specific, saying that we would regulate
3 gathering lines that were in incorporated,
4 unincorporated cities, towns, and villages.

5 In '92 they gave us a little bit
6 of latitude and inserted the wording that
7 Keith covered earlier about giving the
8 Secretary some latitude based on certain risk
9 factors -- population, distance from the
10 wells, and so forth.

11 Just an example, this is a
12 particular operator I visited with back in
13 2005, hard to read the sign, but that is an
14 unincorporated area right there.

15 There's three and a half miles of
16 pipeline and the only thing close to it is a
17 tree or two. That was regulated under a
18 previous language and scheme.

19 So we eliminated the political
20 boundaries as a basis for determining what we
21 regulate and what we don't regulate.
22 Geopolitical boundaries just really didn't

1 work, just because cities decided to extend
2 their city limits to increase their tax base
3 or keep the neighboring town from encroaching
4 on them, really wasn't a way to protect the
5 public.

6 In part 192 we of course have
7 class location criteria, which is population
8 density and access and we adopted and tied
9 down what it would consider regulated based on
10 those class location units.

11 It's a little tough to defend, to
12 say that we don't regulate the class 1
13 locations, that those folks that are in a
14 little more rural areas are not as important
15 as those in the higher density population
16 areas, so there's some issues with that as
17 well.

18 But our whole risk basis was
19 framed on looking at traditional production as
20 it existed up to the 2004 or so time frame
21 with vertical wells, primarily lower
22 pressures, I am going to say lower pressures,

1 I am going to say 500 pounds or less.

2 Smaller diameter pipes typical of
3 gathering systems at the time, if you saw a 12
4 inch gathering line, that was the big one. The
5 shale plays have definitely changed that risk
6 factor.

7 When I left the agency in 2007, I
8 went to work in the Forth Worth Barnett shale
9 and this is very real statistics, that is
10 downtown Fort Worth, that is a drilling rig
11 sitting in downtown Fort Worth, because the
12 technology has allowed the recapture of that
13 gas that has been known to be there for half
14 a century. We just couldn't get it out.

15 How do you put a drilling rig in
16 everyone's back yard under conventional
17 techniques? The horizontal directional
18 drilling has allowed that very small footprint
19 to reach out one mile in all directions and
20 capture that gas.

21 With that capability come the
22 pipelines associated with it, and like I said,

1 a very small footprint of one to two acre in
2 the middle of a subdivision reaching out a
3 mile in all directions, you have to have a
4 pipeline to get that gas out and it is a large
5 volume of gas.

6 These pipes, we are talking
7 diameters of minimum eight inches, more like
8 the 20 to 24 and 30 inch range for the most
9 part.

10 Almost all designed, per 192, I
11 will be happy to say, in a class-free location
12 with a maximum allowable operating pressure of
13 about 1,480 pounds.

14 Operator nowhere near that, I
15 mean, you can be a much more productive
16 producer and get more gas out the ground the
17 lower you keep the pipeline pressure, the more
18 flows out of the ground.

19 So to say it is a 1480 MAOP, I can
20 speak for Barnett, probably the most you would
21 see in any of those systems under normal
22 conditions is not to exceed the 350, 400 pound

1 range. But we don't always have normal
2 conditions.

3 This is just a quick snapshot.
4 This is from the Texas railroad commission,
5 which is the pipeline safety partner for PHMSA
6 in the state of Texas.

7 These are the gathering lines that
8 have been installed in Tarrant County, which
9 is Fort Worth, since 2005. And I queried this
10 information about three months ago.

11 That is just the gathering lines
12 since 2005. It's approximately 4,000 miles'
13 worth. Barnett has a footprint of about 10
14 percent of what Marcellus has in PA, so -- and
15 I kind of saw this coming, I mean, if prices
16 ever get back to where they were in 2007 or
17 whatever, you guys are definitely in for fun
18 through Marcellus, you know, there were 300
19 rigs at one time operating in a five-county
20 area in Barnett, with five point crews
21 everywhere.

22 So the risk factors have

1 definitely changed from what we had based our
2 2006 rulemaking on.

3 We did create the Type A and the B
4 and that has probably proven out to be a very
5 good decision based on risk. The Type B, as
6 Keith talked about, was the low energy,
7 smaller diameter, small pressures and so
8 forth.

9 And they were -- we targeted that
10 limited set of compliance activities that
11 Keith covered earlier, corrosion control, line
12 markers, damage prevention programs and so
13 forth, at a set of incident causes actually
14 given to us by the industry, the Gas
15 Processors Association, as a matter of fact I
16 think it was this room in 2004.

17 The hotel wasn't under renovation
18 but -- so it was very real data that they went
19 out and captured from their membership and
20 brought to the table.

21 As a matter of fact, as I say,
22 incident data, it was incident data by the

1 definitions that they had come up with, which
2 were a lot more stringent than what we call
3 incidents in 192.

4 They dropped the property damaged
5 values down to \$5,000 where our level is
6 \$50,000. They included evacuations of
7 structures, some things that we don't address.

8 So the numbers were very useful to
9 work with. The Type As as Keith mentioned is
10 subject to everything for transmission minus
11 the integrity management and kind of an OQ
12 "light," only for those Type As in the class
13 2 locations. Type 3 and 4 or class 3 and 4 are
14 subject to full operator qualification.

15 As far as numbers, the real impact
16 that the 2006 rulemaking had, and these are
17 based on annual report forms that PHMSA
18 collects on regulated mileage.

19 In 2005, we had 16,000 or so miles
20 of pipe that we regulated on the onshore gas
21 gathering. In 2009, it was 20,000, yes,
22 20,150.

1 That's out of an estimated, and I
2 am going to say, a very low estimate because
3 these again are 2004 numbers, 171,000 miles
4 was the GPA membership. That's their 40 member
5 companies. We know for a fact there's probably
6 been another 10-15,000 miles laid if not more
7 since that time.

8 It doesn't include another group
9 of stakeholders represented by the Independent
10 Petroleum Association of America, which are,
11 as the name implies, small independent
12 operators, not the large midstream companies.

13 They have a very large membership
14 base but they don't -- it's assumed that they
15 don't have a lot of mileage, because we had a
16 lot of interactions with them in the 2004,
17 2006 time frame, and it wasn't a huge impact
18 to their membership, but they do have a stake
19 in the game.

20 We have some NAPSRS resolutions. I
21 assume everyone on the committees know who
22 NAPSRS are, that's our state partners. We have

1 a couple of resolutions that were passed back
2 in 2006 and I know that Jeff is very committed
3 in satisfying or working with our state
4 partners to come to a resolution on this.

5 One is to extend the reporting
6 requirements for all onshore gas gathering.
7 That gives us better information to make
8 decisions.

9 Actually, it was proposed by me
10 back when we did the other, and at the time it
11 was not undertaken.

12 The other one was to add leak
13 survey requirements to the Type B, and this
14 was basically, I am going to be honest, that
15 was a mistake on my part by not including that
16 compliance activity at the final rule, because
17 that is definitely a risk control measure. I
18 am talking about small diameter, low energy
19 pipelines. You know the risk is product
20 escaping from the pipe and seeping to a nearby
21 structure.

22 But that resolution was passed in

1 September of '06 so four to five months after
2 the final rule was published.

3 This past fall, they passed three
4 -- well, actually it is one resolution that
5 has three components to it.

6 One is to establish the regulatory
7 requirements for the Type A, greater the 20
8 percent SMYS having Class 1 locations. Of
9 course obviously in recognition to the risks
10 and so forth associate with shale
11 developments, in other words to establish
12 requirements for gathering lines in Class 1 to
13 be subject to 614 and 707, which is our damage
14 prevention regulations and 707 is the blind
15 marker, and to clarify our intent in one of
16 the -- intent to establish a risk-based
17 regulation for the section of piping
18 identified as incidental gathering in the RP-
19 80.

20 This is one of our problem areas
21 in the language of what RP-80 says versus the
22 limitations that we left a loophole in when we

1 developed the wording in 192.8.

2 We inserted the limitation in --
3 to control, or to address an issue that RP-80
4 has, it says that gathering may continue past
5 the last compressor or the last processing
6 plant until it connects to another pipeline.

7 Well, that's fine if it's an issue
8 of on the facility grounds or not to exceed x
9 number of feet, or doesn't cross other
10 people's properties, or some other risk
11 factors such as this.

12 We have been challenged on this
13 one and I have actually seen it abused up to
14 the point of 76 miles downstream of 12 inch at
15 1,200 pounds past the last compressor and the
16 operator says no it's into an open gathering
17 because you all messed up. So we do have some
18 editorial issues to clean up.

19 I will give you just a little
20 picture of -- those of you who that have never
21 been involved in or around the production and
22 gathering world, distribution of course is a

1 network spider web contained you know in towns
2 and communities.

3 Our interstate brethren, big long
4 pieces of pipe that stretch from one end of
5 the country to the other one, gathering is an
6 entirely different animal.

7 This particular scenario or
8 example here is three different gathering
9 fields putting into a trunk line. That is a
10 state boundary, so you know, gathering does
11 not recognize political boundaries either.

12 But we have never looked at it as
13 interstate versus intrastate, it's always been
14 left to our state partners, via agreement.

15 It gets even more complicated.
16 That's basically a very simplified system. We
17 have started looking at bringing in production
18 and inserting it into a distribution line, but
19 taking it out later for some additional
20 production or whatever, and reinserting it
21 into other transmission lines in various
22 configurations and reverse flows and so forth.

1 Writing language to encompass all
2 these scenarios of this is regulated at what
3 point, is the challenge.

4 Another real world example that
5 were multiple operators involved i.e. the
6 different colors of -- on the drawing, and
7 being able to pull it back from various
8 plants, taking it to other plants for
9 extraction of different chemical processes,
10 whether it be the Y grade natural gas liquids
11 or helium in this particular case, a helium-
12 rich field, or carbon -- CO2 for other
13 applications and depending on who has got the
14 facilities to handle that particular product
15 and pull it out of the gas stream.

16 What we looked at from a gas
17 standpoint is looking at extending our
18 reporting requirements, incidents, annual
19 reports so we know how many miles of pipe we
20 are talking about, what kinds of class
21 locations they are in, what stress levels they
22 are operating at, and what are their problem

1 areas associated with the incidents and safety
2 reg conditions.

3 In relation to the recommended
4 practice, there is the ambiguous and
5 conflicting language that exists and also the
6 question of whether we should even adopt a
7 recommended practice as the beginning point of
8 defining what we regulate and what we don't.

9 The third one is the editorial
10 issue I just talked about on the extension of
11 gathering beyond certain facilities that have
12 been historically considered the end point.

13 Looking at the other NAPS
14 resolution to incorporate a leak survey
15 requirement for the Type B and the operator
16 qualification issue.

17 Moving on to the hazardous liquids
18 side, keeping in the same order as Keith
19 started. In 2008, I actually started this
20 rulemaking, and it was to extend and take care
21 of the second part of the Congressional
22 latitude that was put in the '92 and

1 reinforced in the '96 act.

2 The gathering definition was
3 inserted in part 195 back in the mid-'80s. It
4 defined those pipelines as 8 and 5/8ths and
5 less, transporting from current production
6 facilities.

7 We had historically regulated
8 those that were in the non-rural locations,
9 inside of incorporated cities, towns,
10 villages, etcetera, as well as those crossing
11 navigable waterways.

12 What we hadn't extended
13 jurisdiction or regulatory oversight to, was
14 those that were out and potentially could have
15 an effect on environmentally sensitive areas.

16 When Congress passed that
17 regulation in '92 and put -- and inserted the
18 words environmentally sensitive, PHMSA didn't
19 have a definition for environmentally
20 sensitive.

21 That came about later with the
22 hazardous liquid integrity management rule,

1 which instead of being called environmentally
2 sensitive, got dubbed USAs, unusually
3 sensitive areas. So that is the term I will
4 use from now on.

5 When we did this rulemaking in
6 2008, we extended to six to eight inches and
7 those that are operating at greater than 20
8 percent of SMYS, and that were located within
9 a quarter of a mile of a USA as identified on
10 the national pipeline mapping system.

11 We took the approach of doing the
12 quarter mile of a USA because the folks on the
13 liquid side could probably attest to the fact
14 of what it takes in the manpower and resources
15 to do overland spreads and establish a good
16 effect criteria as under IM.

17 That option is there if you want
18 to prove that you can affect one, but we kind
19 of simplified it and said if you are within a
20 quarter of a mile, that is the area that we
21 are concerned with.

22 We took the six to eight and

1 greater than 20 percent because that posed the
2 biggest risk of spilling the largest volume of
3 product on the ground or within the USA.

4 We didn't capture anything that is
5 six inches and less that may be operating
6 greater than 20 percent. I would think that
7 population would be very small because of the
8 diameter wall thickness ratio there.

9 We didn't capture anything that
10 was less than eight inch, that is within --
11 less than 20 percent that is within a quarter
12 of a mile of a USA.

13 And we did not capture -- I got a
14 tenth of an inch to eight inches greater than
15 a quarter of a mile from a USA.

16 The first two are reachable under
17 our current statutory authority. The third one
18 is only partially and Keith talked about some
19 legislation, the '96 limitations that were
20 there.

21 We are currently constrained from
22 extending to anything that is six inch or less

1 in diameter, and what would be considered
2 outside of the environmentally sensitive area.
3 That would take a Congressional statutory
4 language change to reach that.

5 Information from AOPL, the
6 Association of Oil Pipelines, from their
7 pipeline 101 website actually, is in -- great
8 information -- is the estimation that there
9 are some potentially 30-35,000 miles of
10 pipeline out there.

11 We regulate about 3,100 of it.
12 Like I say we currently regulate those that
13 are in navigable waterways, a limited number
14 in the Gulf of Mexico.

15 So we are looking at -- we are
16 about the same as we are with gas, somewhere
17 in the neighborhood of 10 percent of what we
18 think is out there is actually regulated.

19 We do have -- and some of the
20 questions that came up during the
21 Congressional hearings last night kind of
22 focused -- last summer, in the aftermath of

1 the Deepwater Horizon, focused a lot on the
2 inlets to the Gulf of Mexico.

3 And understanding those is not
4 necessarily a cut and dried issue either, so
5 I have done a couple of screen captures for
6 you to demonstrate where they actually are.

7 Now this, for those of you that
8 haven't been to the south coast, this is the
9 coast of Louisiana. This is the demarcation
10 line which would establish the Gulf of Mexico
11 from this point out, and the inlets to that
12 Gulf from that line in.

13 The blue lines and the light blue
14 lines are what are considered navigable
15 waterways, so just because it is wide open
16 water does not necessarily make it a navigable
17 waterway.

18 Under a could-effect scenario, you
19 are going to reach it when we start saying,
20 defining that within a quarter of a mile or
21 within a half a mile, that is not necessarily
22 the case.

1 Since we don't require gathering
2 operators to submit data to the national
3 pipeline mapping system, I have captured what
4 is out there on other pipelines that reside
5 within those inlets and so forth.

6 These are the liquid lines that
7 are mapped in NPMS that are not gathering
8 lines, and you can see where they do intersect
9 some of the navigable waterways.

10 If there are gathering lines in
11 that proximity, those portions of it would be
12 captured as well, which we cannot, as an
13 agency, say that we capture all gathering
14 lines in the inlets to the Gulf, except for
15 one provision in our regulations which require
16 inspection on the burial depth and reburial if
17 necessary.

18 What we have looked at in the
19 problems or potential problems are proposals
20 from the liquids side is again to extend our
21 reporting requirements under subpart B of 195
22 to all liquids so that we know what is out

1 there and we know what the problems are.

2 The other potentials are under
3 current statutory authority we could reach out
4 and grab the remaining population that is over
5 or under 20 percent of SMYS that are within a
6 quarter of a mile of USA.

7 The current compliance activity
8 imposed on those are very similar in nature to
9 the gas side Type Bs, damage prevention
10 programs, line markers, corrosion control
11 activities and public awareness activities.

12 Packaging them together and my
13 last bullet really hits on the reasons for
14 taking this proposed course, is reporting is
15 reporting whether we are talking gas or
16 liquids, although there are different criteria
17 for when these thresholds kick in, the
18 different sectors in the industry.

19 Doing a package of whatever that
20 may be for the liquids side, the same or a
21 separate gas package and the reason being the
22 stakeholder groups.

1 Some of the industry folks will
2 cross over and have business units on both
3 sides. Some do not. The cost benefit analysis
4 issues associated with them make it much, I
5 wouldn't say easier, it's not going to be
6 easy, but it's much more manageable.

7 And when we start talking about
8 the gathering issues, it's real easy to get
9 into a confusion factor associated with them
10 of well, you do this for gas, no, that's the
11 liquids, and you even have some of that in-
12 house and it's good job security for me, but -
13 -

14 So that is really where we are as
15 far as -- as what I think makes some logical
16 sense of how to approach these and so forth.
17 And with that --

18 MR. TAHAMTANI: Any questions? Any
19 comments?

20 MR. WEIMER: I was wondering if
21 there was any consideration, take Fort Worth
22 for example, where there's thousands of wells,

1 you've got gathering lines that are the same
2 size and pressure as transmission lines, is
3 there any consideration of extending integrity
4 management to those lines in urban areas?

5 MR. BURDEAUX: Mr. Weimer. Tough
6 spot because I was actually on the industry
7 side call when we -- and I do live in Fort
8 Worth still, and I have one of those under my
9 house, but -- and I was the chairman of the
10 Texas Oil and Gas Association's pipeline
11 safety committee when we petitioned the -- for
12 the railroad commission to move it to the
13 first point of measurement as -- I would say
14 a tradeoff to get rid of the Texas integrity
15 management rules.

16 I think from what we have seen,
17 that there is -- whether it is the full-blown
18 integrity management as we have seen on the
19 transmission side, I think there are some
20 other compliance activities and so forth, if
21 you look at some of the information that we
22 don't necessarily capture but have friends in

1 the industry who talk to me still once in a
2 while, one of the things with gathering is we
3 are talking a lot of the times about
4 unprocessed gas, wet gas, other corrosion
5 problems, primarily internal, and that's
6 probably an area that our regulations, other
7 than integrity management I mean, you
8 definitely have to meet that as an integrity
9 threat should your system be exposed to it.

10 I think there are some integrity
11 type things that we would need to look at if
12 we go forward with some of these things.

13 MS. HAMSHER: Is that the "GIMP"
14 rule?

15 (Laughter)

16 MR. WIESE: For those of you who
17 are new to the committee, we have had a series
18 of interesting acronyms for integrity
19 management, starting off with the pipeline
20 integrity management program. That was done in
21 honesty until everybody realized maybe it
22 wouldn't be prudent to use that.

1 You know, as this area -- this is
2 just the beginning. The reason for asking you
3 to go through this briefing is so that if you
4 didn't, you understand better what a Gordian
5 knot it is.

6 You know the regulations, as I
7 look at them, begin starting to look like the
8 tax code. People find ways to get out of
9 things just strictly, you know, it's not
10 functional, in some ways, when you think about
11 it and so Carl's point is legitimate.

12 I think if you have the potential
13 to affect people with your physical
14 infrastructure and your operation, by God
15 there ought to be some protections.

16 You know that is all there is to
17 it, so it reminds me of something I didn't ask
18 Jim Tymon when he was here, but it did come up
19 in the last year's reauthorization, and this
20 would engender a lot of debate and maybe an
21 interesting topic for the committee in the
22 future, but they ask us to -- you know they

1 were talking about class location. You know,
2 class location has its pros and cons. There is
3 a lot of inertia around class location.

4 But, they ask us would we consider
5 doing a study on alternatives to class
6 location that would go beyond gas and involve
7 liquid as well, and it would get back to more
8 of a simplified discussion about what do you
9 operate, what is the potential risk associated
10 with this including populated areas and
11 environmental areas, and then how should that
12 be regulated, how should the threats be
13 managed?

14 So I just throw open to the table,
15 happy to discuss it now or we can set a
16 session later, if that study ever makes it
17 into the legislation, I think the committee
18 could play a key role.

19 But honestly, we have had to -- we
20 have had three hour meetings over this stuff
21 inside, just trying to understand all of the
22 variances, and one of the key points I think

1 that our alumni and then return employee makes
2 well, is circumstances have changed, you know,
3 circumstances have changed.

4 We can't ignore that fact. We need
5 to be cognizant that our job is to protect the
6 public and the environment and where the
7 circumstances have changed, we need to adapt.

8 So Carl's point is legitimate, I
9 realize it comes with a -- every time we get
10 near a discussion on integrity management
11 added to new infrastructure, there's plenty of
12 kickback.

13 But, you know, I would ask you as
14 members of the upcomingly named policy
15 committee to be thinking about that issue and
16 help us try to figure out how do we do the
17 right thing, how do we manage risk to people
18 and the environment regardless of what you
19 want to classify that as.

20 And how do we stop this gaming of
21 the system, where people run examples like
22 this or in Oklahoma, and I know, it was a,

1 what was it, 20 inch wet gas gathering passing
2 right by somebody's house?

3 You know it's just -- these are
4 thing we need to be thinking about. They do
5 have economic impact, so fair question, when
6 people ask that. But anyway, enough of my soap
7 box.

8 I do think that study could come.
9 There was enough pressure on class location
10 but I don't think the institutions are ready
11 to change on class location yet.

12 And yet a public study on this
13 issue might be forthcoming so enough from my
14 end. Sorry.

15 MR. TAHAMTANI: Other questions or
16 comments?

17 Well, thank you very much Keith
18 and Dewitt. We are running ahead of schedule,
19 so do we have Steve Fischer and Sam Hall?
20 Okay, who is up first? You Steve? Steve, all
21 right. Turn your mic on and it is all yours.

22 MR. FISCHER: Okay great, thank

1 you. Sam and I are doing a co-presentation
2 this afternoon on damage prevention.

3 First of all I am not sure if
4 everyone is familiar with me. I am Steve
5 Fischer. I am the Director of Program
6 Development and Sam Hall, who is one of the
7 senior program managers also within program
8 development and is one of the key people that
9 work with me on damage prevention initiatives
10 within OPS.

11 So initially what we want to talk
12 about today are these key bullets here, talk
13 a little bit about the state damage prevention
14 characterizations that we have been working on
15 over the past year and a half or so, talk
16 about the work that we have been doing with
17 the North American Telecommunications Damage
18 Prevention Council in collecting state laws
19 and regulations regarding state one call laws.

20 We have federal rulemaking under
21 way, a notice of proposed rulemaking on third
22 party excavation damage that Sam will be

1 talking about, give you an update on the
2 technical assistance and state damage
3 prevention grants.

4 PIPA will be -- which is the
5 Pipelines and Informed Planning Alliance --
6 will be a follow-up presentation, after Sam
7 and I are done I will talk to you for a few
8 minutes about PIPA.

9 Unfortunately we don't really have
10 time today to talk much about what is going on
11 with DIMP, although I'm not sure if you have
12 received an update from anyone else within OPS
13 on DIMP.

14 But certainly public awareness is
15 something that the -- my office has been
16 heavily involved with. Unfortunately we won't
17 have time really to get into that today as
18 well.

19 And then some of the things that
20 we are doing as far as where people can go to
21 get additional information.

22 So just briefly, some of the

1 things that we do know about excavation
2 damage, you know, despite the numbers that
3 continue to show declines, over pretty much
4 all of the different pipeline types,
5 excavation damage continues to be a serious
6 threat to public safety and pipeline
7 integrity, oftentimes when you look at the
8 numbers, greatly impacting third party
9 excavators who are out there doing excavations
10 along the pipeline right of way.

11 Overall the numbers do look good
12 and I have some graphs coming up here in a
13 second that I will go over to show you how
14 some of those trends are trending downwards
15 over the past 20 years.

16 The key point here to make is that
17 you know, excavation damage is largely
18 preventable and there are a lot of activities
19 both within PHMSA as well as with the
20 industry.

21 We have all been working
22 diligently to try to do what we can to bring

1 excavation damages down, but we continue to
2 need to do more to get those numbers lowered.

3 So the next couple of slides I
4 have here, I have got 20 years, 10 years and
5 the red that you see here is excavation
6 damage.

7 Unfortunately I don't have my
8 glasses on so I can't see what that number is.
9 But the -- when you look at the numbers
10 between 20 and 10 years, the percentage of
11 excavation damage is declining, continuing
12 with five and three years, those numbers
13 continue to decrease.

14 And just some of the statistics
15 that I wanted to point out over the past five
16 years, even though these numbers are
17 declining, there are some key statistics that
18 are worth noting.

19 When we look at the first and
20 second party damages to -- involved with
21 excavation damage, over the past five years
22 there was one fatality and 10 injuries for

1 first and second party excavation activities,
2 with a little over \$10.5 million in damages.

3 When you start getting into third
4 party excavation damage, we are looking at
5 10.2 percent. This is for all pipeline
6 systems. A total of 19 fatalities over the
7 past five years, 52 injuries that required
8 hospitalization and almost \$82 million in
9 property damages.

10 These numbers -- this number here
11 especially for the third party excavation
12 damages, is especially concerning when you
13 look at the distribution systems.

14 And in some of the subtotals here
15 at the bottom, there were over this five-year
16 period 385 reportable incidents, reportable
17 serious incidents, to the office of pipeline
18 safety.

19 Excavation damage of these 385
20 contributed to a little over 12 percent of all
21 of the reportable incidents were due to
22 excavation damage.

1 Had a total of 20 fatalities, of
2 which, like I said, 19 involved third party
3 excavation, and 62 total, of which 52 were
4 third party.

5 Total damage was \$92.5 million so
6 still some pretty substantial numbers that we
7 are looking at regarding excavation damages.

8 We are sort of taking a multi-
9 pronged approach to the damage prevention
10 effort. We are working directly with a lot of
11 stakeholders to try to effect change.

12 We have been working like I said
13 over the past year and a half, we have
14 completed this initial project, the
15 characterization tool that I will get into in
16 a little bit more detail in a second.

17 But we have also been looking at
18 other kinds of tools that help both PHMSA and
19 our stakeholders in understanding what the
20 areas of concern are, what the data tells us
21 as far as areas that we might need to focus
22 more resources on.

1 Also, you know, looking at how our
2 different grant programs are being able to
3 assist states and local stakeholders in
4 addressing damage prevention issues in their
5 state and local areas.

6 We have been doing a lot of
7 outreach. We are a small group. There's three
8 of us really that are focused on damage
9 prevention.

10 We have been doing a lot of
11 meetings around the country, working with a
12 lot of state-level meetings where we are being
13 asked to come in and talk to them about damage
14 prevention, what we see at the national level
15 and what the data really is telling us.

16 So we have been out there meeting
17 a lot with a variety of different
18 stakeholders, kind of preaching the damage
19 prevention message and hopefully over time, we
20 will see whether these efforts actually pay
21 some dividends.

22 As usual, it probably is no

1 surprise that we have a lot of partnerships
2 that -- this isn't a one organization show. We
3 are working with the states, working with the
4 CGA, working with the pipeline trade
5 associations, working directly with the
6 pipeline operators, the pipeline safety trust,
7 all working together to try to make a change.

8 And then the last point here,
9 which Sam will get into in a minute, is
10 regarding the notice of proposed rulemaking.

11 The next few slides are just a few
12 examples of what we have put up on our
13 stakeholders communications website regarding
14 the results of the characterization tool.

15 What we did essentially was we had
16 discussions with all the states and we went
17 through a tool that tried to identify how each
18 state -- the progress of each state in meeting
19 the intent of the nine elements of an
20 effective damage prevention program.

21 And the results, I think it was a
22 good process for us to go through. The results

1 are a little bit of a mixed bag and I will
2 touch on those here in a minute.

3 But one of the key areas that we
4 were trying to achieve with the
5 characterization tool was just providing some
6 transparency, from a broad group of
7 stakeholders, into what are we seeing
8 nationally as well as what are we seeing on a
9 state by state basis.

10 You know, how -- what areas are
11 the states strong in, where are there areas of
12 weakness regarding their ability in trying to
13 reach and meet the intent of some of these
14 nine elements.

15 This is just one of the maps that
16 I pulled given our time constraints today,
17 trying to keep this abbreviated, but we went
18 through and we produced maps for each of the
19 nine elements, for all the 50 states, to show
20 where they are from green to red, from fully
21 implemented to not implemented at all, for
22 each of the nine elements.

1 And this specifically is the
2 element regarding effective enforcement, which
3 is certainly one of the key areas that we have
4 been --

5 MR. MARTIN: Could you clarify for
6 the record which is -- is the green good or
7 green bad?

8 MR. FISCHER: Green is good, red
9 is bad.

10 MR. MARTIN: Okay.

11 MR. FISCHER: Here is the -- you
12 have this all in your packets we just gave
13 out, but this is the url for where you can
14 find this information. Once again it is all
15 out on our stakeholder communications website.

16 It has a lot of overview
17 information, as well as it has -- there are
18 specifics for each of the states included out
19 there as well that kind of provides a little
20 bit more background and detail about what we
21 saw, or what were the outcomes of our
22 discussions with the states going through this

1 process.

2 Overall it was a fairly positive
3 response that we received from the states. It
4 actually turned out to be a much larger
5 project than what we had initially
6 anticipated.

7 We identified additional resources
8 internally to try to help us get through this
9 process. That in and of itself caused
10 additional challenges because if you have six
11 different people who are working to try to
12 collect this information, they are going to
13 have different levels of background, different
14 levels of understanding about what the issues
15 are.

16 But we tried to identify people
17 who are well qualified, but still, that did
18 have an impact on the results of the
19 characterization tool.

20 Some states took the approach that
21 this was a good opportunity for them to really
22 kind of flesh out and be honest with

1 themselves about you know, how weak or strong
2 their state is regarding the nine elements.

3 Other states looked at simply as
4 being, they wanted it to be all green and
5 that's all that really mattered.

6 So that also you know, you have to
7 take that into consideration as well when you
8 are looking at the results of this exercise.

9 The plan is that we will keep this
10 information updated. We haven't gotten to the
11 point yet that we have identified exactly what
12 that process is going to be, because it was
13 very time intensive.

14 So that will be something that we
15 have to evaluate and make a decision on. So
16 what I would like to do now is go ahead and
17 pass it over to Sam and he will walk us
18 through some of the areas that he and Anne
19 Marie Robertson are directly responsible for
20 managing.

21 MR. HALL: So one of the
22 fundamental aspects of the characterization

1 tool is its subjectivity. You are looking at
2 the nine elements of effective damage
3 prevention programs as they were written in
4 the PIPES Act. Those nine elements are
5 subjective by nature.

6 The first for example is effective
7 communication between excavators and utility
8 operators from the beginning of the excavation
9 through the end.

10 Well, the word effective
11 automatically creates some subjectivity. How
12 do you define effective? Another is element
13 eight, use of improving technologies for the
14 locating process.

15 These are relatively subjective
16 questions and so the answers that you get when
17 you try to answer those questions will vary.

18 What we decided to do in addition
19 to the characterization tool, is look through
20 all of the state damage prevention laws and
21 regulations in an objective manner and try to
22 document or parse out each of these laws into

1 a useful format.

2 So for example, state law is not
3 going to address element eight, use of
4 improving technology. Most state laws, you
5 will never find -- that will address specific
6 technologies that are used.

7 But you will see in state law
8 things that are required and that you can
9 actually document in a less subjective way.

10 So we partnered with the North
11 American Telecommunications Damage Prevention
12 Council they are like the Common Ground
13 Alliance for telecommunications, and they in
14 the past had developed a tool that compared
15 every state damage prevention law to a model
16 law that they had developed.

17 And since we do not -- we are not
18 proponents of a model law, we instead decided
19 to try to find a way just to document what the
20 laws currently say.

21 So the kinds of things we asked
22 were, what are the notice requirements in each

1 state law, what are the notice exemptions,
2 what are the tolerance zones, is whitelining
3 required, those kinds of questions.

4 As I mentioned we partnered with
5 the NTDPC. We broke all of the requirements
6 down into three basic categories, requirements
7 for excavators, requirements for operators and
8 then everything else.

9 We, as much as possible, tried to
10 capture the exact language from the laws and
11 administrative rules associated with those
12 laws. We also tried to capture links to the
13 laws and the rules.

14 We don't believe that this is
15 necessarily perfect. As a matter of fact we
16 know it is not. Part of the problem in doing
17 this kind of exercise in reviewing every state
18 law and trying to parse it into specific
19 buckets, is how do you define the buckets.

20 There are a lot of questions for
21 instance as your -- is whitelining required or
22 are there exemptions yes or no -- there are a

1 lot of grey areas in these laws and it's very
2 difficult to document them in a black and
3 white manner.

4 So this is our first take on this.
5 We welcome feedback. We are really interested
6 in making this a useful tool for stakeholders
7 across the country.

8 This is a quick snapshot. This is
9 by no means the entire spreadsheet. This is an
10 Excel spreadsheet that we developed. I think
11 you are seeing maybe 10 fields, nine fields
12 there.

13 Like I said, we captured 54
14 elements that -- from each law.

15 And what we have done, and this is
16 not quite ready for prime time so this is just
17 a quick snapshot, but we have developed an
18 application that will be available on our
19 stakeholder communications website in the
20 coming days I believe, we are not far from
21 actually publishing it, where you can -- is
22 this my pointer here? It doesn't work very

1 well so just bear with me as I kind of talk
2 through this.

3 On the left side you have a series
4 of yes no questions, that we asked, for
5 example is whitelining required. I happened to
6 click on this before I took the screen shot
7 and you see which states do require
8 whitelining before excavation.

9 You can do that for each of the
10 yes/nos, by excavator requirement, operator
11 requirement or other, and then on the right
12 side of the page, you can see all of the
13 information that we captured, excerpts from
14 the state laws, things like what is the ticket
15 life within the state, what is the tolerance
16 zone, the actual number, how many inches is
17 the tolerance zone, those kinds of things are
18 captured there.

19 Like I said this is I think just days
20 away from being published. We just wanted to
21 brush on on some of the glossary terms -- but
22 it's -- we are hoping this will be a useful

1 tool and a complementary tool to the nine
2 element characterization, not only to bring
3 transparency, but also to help folks to
4 encourage change, you know, the idea is once
5 you have done a pretty vigorous self
6 assessment, it's hard to ignore your
7 shortcomings.

8 MR. FISCHER: Just to add to that,
9 the spreadsheet is live. It's currently out
10 there on stakeholder communications, and so
11 anyone can go there now and they can download
12 the information.

13 MR. HALL: You can download that
14 spreadsheet, that's right, and that tool that
15 exploration tool, like I said, will be
16 available very shortly, the mapping tool.

17 Want to talk briefly about grants,
18 state damage prevention grants and technical
19 assistance grants. To refresh your memory or
20 if you haven't heard of them, the state damage
21 prevention grants were authorized by the PIPES
22 Act through 2010.

1 We actually just had a
2 solicitation open through September of 2010
3 that was for the 2011 grants. To date we have
4 awarded 48 state damage prevention grants,
5 which represents about \$4.1 million.

6 These grants are designed to help
7 the states implement the nine elements, so
8 states can apply for money to implement
9 element 1, 2, 3, a combination of any of the
10 nine, if not all of them.

11 In some states, Vermont is an
12 example, they use the money to do a rigorous
13 self assessment of their performance against
14 the nine elements, and are now able to make
15 decisions based on that self assessment and
16 make improvements as necessary.

17 I invite you to look at the
18 summaries of all those grant projects. We have
19 posted every single grant that we have awarded
20 including final reports from those grant
21 projects. Those are available.

22 And the 2011 grants are on the

1 verge of being awarded. They will be announced
2 as soon as possible. It can be a challenge to
3 get these grants through the approval process
4 within the department and we are working
5 through that.

6 But they will be awarded shortly.
7 I believe this year we are looking at I think
8 we will add another \$2 million or so to that
9 total award number. So hopefully that will be
10 a success soon.

11 The technical assistance grants,
12 these were first created in the Pipeline
13 Safety Improvement Act of 2002 and then they
14 were reauthorized in the PIPES Act of 2006.

15 Congress didn't give us money for
16 this until 2009 so the program didn't actually
17 start until 2009.

18 The idea here was to make grants
19 to local communities and local organizations
20 for technical assistance related to pipeline
21 safety issues, really encouraging non-
22 traditional stakeholders to get involved in

1 the pipeline -- in pipeline safety.

2 Technical assistance is generally
3 defined as engineering or other scientific
4 analysis. To date, we have had two cycles of
5 award and we have been fairly liberal in those
6 awards.

7 You know, some of them have been
8 for equipment purchases for fire departments
9 to deal with pipeline emergencies when and if
10 they occur. Others have been -- an example
11 would be in the Fort Worth area.

12 The Fort Worth League of
13 Neighborhood Associations received a grant and
14 developed quite an extensive report regarding
15 the production situation there in the urban
16 area.

17 So, a variety of projects have
18 been funded with this grant program. You can
19 also use the money to promote participation in
20 public and official proceedings pertaining to
21 pipeline safety and one of the key aspects of
22 the program is that the awardees have to make

1 their results available.

2 There's -- I guess there's a risk
3 of setting up sort of a political environment
4 with these grants and the results of these
5 grant projects have to be absolutely
6 transparent and the grantees have to work
7 according to the grant agreement, have to work
8 closely with the pipeline operators that are
9 affected.

10 Let's see. In 2009 we awarded 21
11 grants at almost \$1 million and in 2010 we
12 awarded another 21 grants. One of the grantees
13 actually did decline their grant so we ended
14 up only awarding 900,000.

15 The maximum award is \$50,000 and
16 \$1 million is available for the program every
17 year.

18 We just closed a solicitation for
19 the 2011 round and that closed February 28th.
20 We maintain the same evaluation criteria. We
21 will make the awards by September 2011, and if
22 you are interested in getting alerts on these

1 grants when they become available,
2 www.grants.gov, you can sign up alerts for
3 PHMSA grants and you will be notified when
4 solicitations become available.

5 Okay I am going to switch gears
6 from the grants and talk about the one call
7 enforcement notice of proposed rulemaking that
8 Steve mentioned.

9 Section 2 of the PIPES Act
10 includes a Congressional mandate to PHMSA. It
11 gives us new enforcement authority over
12 excavators.

13 We regulate the pipeline
14 operators. The PIPES Act gives us enforcement
15 authority over excavators, and specifically
16 excavators who fail to comply with the one
17 call laws and damage only a pipeline facility.

18 So we are only focused on
19 excavators who unlawfully damage a
20 jurisdictional pipeline, or a regulated
21 pipeline.

22 The enforcement authority is

1 limited. We can only use it in states that we
2 deem to have inadequate enforcement programs,
3 and when I say enforcement, I mean damage
4 prevention law enforcement not pipeline
5 regulatory enforcement.

6 The idea here is to really drive
7 states. We are a pipeline regulatory office.
8 We don't have the staff to go out and enforce
9 every one call damage, every one call
10 incident.

11 So we are really hoping to
12 incentivize states to step up to the plate and
13 implement laws that include effective and fair
14 enforcement.

15 We published an ANPRM on this
16 subject at the end of calendar year 2009 and
17 we sought comments on a couple of things. They
18 are listed here.

19 One of the challenges is again, in
20 order for us to use this enforcement
21 authority, we have to declare a state's
22 enforcement inadequate.

1 So how do we do that? What
2 criteria will we use to evaluate a state's
3 enforcement program? That was one thing that
4 we asked about. How do we do this.

5 Once we have done that, what is
6 the administrative process a state can use to
7 contest a notice of inadequacy. The states has
8 the right to due process and should have the
9 right to be able to present evidence that
10 demonstrates that in fact they do have an
11 adequate enforcement program.

12 Once we have declared a state's
13 enforcement program inadequate, what standards
14 will we enforce? We do not have the authority
15 to enforce state laws, so we
16 have to define what federal standards will be
17 enforced in inadequate states.

18 Finally, if we do cite an
19 excavator for a violation, what is the
20 adjudication process, what is the due process
21 that that excavator has a right to follow?

22 If you would like to read the

1 ANPRM, it's available at regulations.gov. The
2 docket ID is PHMSA-2009-0192.

3 We are working on the notice of
4 proposed rulemaking. We reviewed every comment
5 that we got to the Advanced Notice of Proposed
6 Rulemaking.

7 We got at least 500 comments.
8 There was a lot of interest in this. The
9 states are affected, we have spoken with
10 NAPSRS, we have posted minutes of our
11 conversation with NAPSRS.

12 We have spoken with lots of folks
13 about this. The excavation community is
14 certainly concerned about this and how far-
15 reaching it will be.

16 We will publish that ANPRM this
17 calendar year, hopefully sooner rather than
18 later. It was declared a significant rule by
19 OMB, which means that it comes under a bit
20 more scrutiny.

21 We are currently in the -- we are
22 working on the concurrence process internally.

1 Once that is done and it goes up through the
2 Secretary's office and is approved, it will be
3 submitted to OMB.

4 OMB will have 90 days to concur or
5 give us comments and then we will publish in
6 the Federal Register.

7 So we are still some months away
8 from actually publishing the NPRM but it is
9 working its way through the system. Of course
10 it will have responses to all the comments and
11 then the proposal, and it is still a proposal
12 so all of the affected parties will have more
13 opportunity to comment.

14 I thought I might just add a
15 couple of points on the NPRM. I mentioned, and
16 let me back up just so you -- there we go.

17 The criteria we are going to use
18 to evaluate states, we have heard loud and
19 clear from all the commenters that those
20 criteria need to be simple and achievable, and
21 set a relatively low bar.

22 So it's things like this. Do you

1 have enforcement authority, yes or no? If you
2 don't, that's clearly inadequate. Do you have
3 a designated enforcement body in the state,
4 yes or no? If you don't then you are not using
5 your enforcement authority.

6 Can you demonstrate that you are
7 using that enforcement authority. It's basic
8 things. It's not going to be wheedling away at
9 every possible criteria.

10 The important thing here is that
11 states should retain the right to develop
12 damage prevention programs and enforcement
13 programs that best suit their needs.

14 There are different political
15 environments in every state. There are
16 different forms of excavation in every state.
17 Some states are urbanized like New Jersey,
18 some states are agricultural like South
19 Dakota.

20 There are going to be different
21 forms of excavation that occur in those places
22 and the state laws and damage prevention laws

1 need to reflect those differences.

2 The importance here is that there
3 has to be enforcement over excavators who fail
4 to call one call so that at a minimum, there
5 is a deterrence to excavation damage on
6 jurisdictional pipelines.

7 Okay, so leaving the NPRM and just
8 wrapping up here, what is next? We are going
9 to continue with our data and information
10 gathering efforts, the characterization tool
11 and the state one call law documentation.

12 We really believe that that is a
13 great tool for encouraging change, and
14 bringing things to light.

15 We are going to issue that NPRM.
16 Again that will be this calendar year. We are
17 committed firmly to working with all of our
18 partners in the damage prevention community.
19 Those of you who are familiar with the Common
20 Ground Alliance know who those folks are.

21 We have a challenge to foster
22 consistency in our approach to damage

1 prevention, especially among all the programs
2 that we administer, DIMP, public awareness,
3 PIPA, the characterization tool.

4 We need to make sure that all of
5 these programs are aligned and are talking to
6 one another. I think we are doing a fairly
7 good job of that but it's just something that
8 we need to constantly be vigilant about.

9 And then finally we are committed
10 to making as much information available as we
11 can via the web. This is a picture of our
12 website. You are probably all familiar with
13 it, primis.phmsa.dot.gov/com.

14 And on the left side, the column
15 on the far left that is titled site pages,
16 it's hard for me to read, but it's maybe the
17 fifth or sixth one down, that's linked to
18 damage prevention, you can see the results of
19 the characterization tool there. You can see
20 the state law summary and a lot of information
21 about everything that we have just talked
22 about.

1 Thanks for your time and --

2 MR. TAHAMTANI: Thank you Sam.

3 Thank you Steve. Any questions for either one
4 of these gentlemen?

5 MR. FEIGEL: Help my feeble memory
6 if you will. What is the source of the
7 incident reports that you have cited? I guess
8 the reason I raise the question is at least in
9 my limited attempts to search for publicly
10 available information from the states, which
11 I would assume is your source, there's hardly
12 any of them that have anything that looks like
13 a database that is publicly available, in fact
14 there's only a couple of them, at least the
15 last time I checked.

16 So are they required to report
17 directly to you on a one to one basis or how
18 does this work?

19 MR. FISCHER: The data that I
20 showed earlier in the presentation comes from
21 a number of different -- we are primarily
22 focused on a number of different sources

1 including incident accident information, annual
2 reports.

3 MR. FEIGEL: Where is that --

4 MR. FISCHER: It's all in
5 stakeholder communications. Unfortunately we
6 would like to have actually more detail on
7 some of the excavation-related information and
8 the incidents and accidents particularly
9 focused on excavation damages, but it is
10 somewhat limited, but there is information.

11 MR. PIERSON: Craig Pierson,
12 liquids. What are some of the difficulties
13 with supporting the model one -- on a model
14 law?

15 MR. HALL: In general people agree
16 to some basic issues when it comes to damage
17 prevention -- call before you dig, everyone
18 pretty much agrees with that -- but that's
19 about where it stops.

20 You get a lot of different
21 stakeholders arguing a lot of different
22 positions at the state level depending on

1 their political environment, depending on
2 their geographic environment, population,
3 those kinds of things, demographics have a big
4 play in that.

5 So the Common Ground Alliance best
6 practices, that's a consensus set of best
7 practices, everyone has agreed to those as
8 best practices but the rub comes when you
9 mandate and require those things.

10 Almost no one can agree on a model
11 one call law.

12 MR. WIESE: Just a couple of quick
13 comments, first of all I want to thank Sam and
14 Steve, very informative presentation. You know
15 as I think about, we talked about 2.5 million
16 miles of energy pipelines, I was talking with
17 Bob Kipp the other night and their current
18 estimates are there's somewhere in the
19 neighborhood of 20 million miles of
20 underground infrastructure in this country,
21 only 2.5 of which are energy pipelines.

22 This is a much bigger problem than

1 just energy pipelines, and there are different
2 drivers for each of the stakeholders out
3 there.

4 The one thing that I -- you know I
5 will say pressure has built on the model law
6 and I think it will build over time where the
7 states don't adapt.

8 The process that we have used from
9 the beginning has been to try to bring
10 everyone to the table, try to develop a
11 consensus.

12 So we have been fairly successful
13 in that I think, it's taken time, we have put
14 together guidance as you have seen, we have
15 put together a range of incentives, whether
16 it's positive incentives or grants,
17 increasingly some negative incentives as you
18 are starting to see it, and we have tried to
19 use transparency to push it.

20 But I think there is a strong
21 feeling within the damage prevention
22 community, we have people here who have been

1 involved in it longer than we have, to work
2 together to keep everybody at the table.

3 The excavators are incredibly
4 influential in this business. Right now I
5 would say I think it's fair to say if they
6 were in the room they would say they support
7 enforcement as long as it is a level playing
8 field.

9 The operators are wrong, you know
10 -- I am not going to say as much -- but
11 operators make errors too, so we can't just
12 point fingers at excavators and as long as we
13 play that game with them, they have always
14 been there with us.

15 The AGC and NUCA, who are the two
16 biggest ones, are strong advocates of damage
17 prevention and a level playing field so it is
18 -- you know, trust me, I think it was one of
19 the first questions I had, what is so hard
20 about this, why don't we just tell them, but
21 it is more complex.

22 And to keep the people at the

1 table and keep the progress -- but I think the
2 pressure is building on that.

3 MR. PEVARSKI: Rick Pevarski. I
4 know from my counterparts across the nation,
5 most of them definitely support some type of
6 enforcement, and recognize you can't have a
7 strong damage prevention program without a
8 combination, without having the enforcement
9 piece to it.

10 Do you find any states that,
11 without names of course, that are looking at
12 going the direction of having been named an
13 inadequate enforcement program and leaving it
14 up to PHMSA for the enforcement piece?

15 MR. HALL: No. No, we haven't. I
16 have not heard of anyone who has said that
17 they would prefer PHMSA come in and be the
18 heavy in their state, no. Most states want to
19 actually step up to the plate and implement
20 effective enforcement.

21 Whether or not they can be
22 successful in doing that politically is

1 another question and some states certainly
2 have their challenges cut out for them.

3 But I am not aware of any states
4 that are saying if you want it, it's yours.

5 MR. WIESE: The only thing I will
6 add to that is to say that we didn't get it
7 done quite in time. The other thing that we
8 have and we will move to the web, is this nice
9 little map that tells you to where, if it
10 exists, the state has delegated the
11 enforcement authority.

12 I know you know Rick, but
13 everyone, it's not always true and it's not
14 universal. This is why model laws don't work.
15 But our general posture such as it is, we
16 don't favor delegating to an attorney general.
17 It can work, so I know that some states do
18 have attorney generals who will move those
19 cases, but by and large, and I have been
20 personally involved in begging an attorney
21 general to go after a case and they basically
22 say, you know what, unless it's big money or

1 big news, they don't have the time.

2 I mean they are overwhelmed with
3 murder cases and all this. So as a general
4 matter, and again there are variances where it
5 can work, we will see it in an administrative
6 authority, but there are some states that
7 don't have it and don't use it.

8 Some of the things you will see in
9 our criterias, did you delegate it to
10 somebody, are you using it, and are you making
11 the public aware of that and have some
12 transparency on that end?

13 So I know that there are others
14 who might want to swing at that one about
15 attorney generals, but you know, as a general
16 matter anyway.

17 MR. TAHAMTANI: We are not going
18 to let Don Stursma speak because he is getting
19 ready to swing -- go ahead Don.

20 MR. STURSMA: I would not ignore
21 the possibility that states will just say here
22 you do it if you come up with enforcement

1 rules that are too disruptive to a state. I
2 would not discount that possibility.

3 MR. HALL: That actually, we, if I
4 may respond to that, we recognize that and as
5 I mentioned, the criteria that we developed
6 for adequacy we think are achievable for every
7 state, and that they are criteria that every
8 stakeholder in every state can agree upon and
9 should at least be passable.

10 But to address the number of
11 states that do not have any enforcement at
12 all, no enforcement provision in the law,
13 there are 10 states of our 50 that have no
14 enforcement provision in their damage
15 prevention law whatsoever, so there is a need
16 for setting a low bar.

17 MR. TAHAMTANI: Anything else? All
18 right. We are going to take a 15-minute break,
19 be back here by 3:20.

20 (Whereupon the above-entitled
21 matter went off the record at 3:05 p.m. and
22 back on the record at 3:23 p.m.)

1 MR. TAHAMTANI: You know Jeff, if
2 you are going to ask me to do this again I
3 need a gavel. I need a volume control on my
4 mic. I need a couple of other tools.

5 (Laughter)

6 All right. Thank you for being
7 back. Steve, you are back on.

8 MR. FISCHER: Thank you. I have a
9 few minutes with you to talk about the
10 Pipelines and Informed Planning Alliance,
11 PIPA, and our efforts to date with that
12 initiative.

13 So the PIPA initiative has
14 produced the recommended practices, which is
15 on the left hand side, it's kind of a grainy
16 picture of that, that's what it looks like.

17 That is the compilation of all the
18 recommended practices and the document on the
19 right, which I can't point to, but anyways,
20 the document on the right, that is the
21 Relative Risk Report, which was largely
22 developed by PHMSA and that was at the request

1 of industry to produce essentially a white
2 paper that talks about the relative
3 risk of pipelines in relation to other
4 transportation methods for hazardous
5 materials.

6 So we consider that a companion
7 piece to the PIPA report, both of them are
8 finished and are available out on our
9 communications website.

10 One of the things I have been
11 hearing some feedback on regarding PIPA, the
12 recommended practices, is concerns about their
13 regulations or that they are going to become
14 regulations.

15 And to my knowledge, Jeff can
16 correct me if I am wrong, but the intent is
17 for them to be recommended practices as they
18 were developed. We have no intent for them
19 ever to become anything more than that.

20 This is a recent map of the
21 hazardous liquid and gas transmission
22 pipelines in the U.S. These are the pipelines

1 that are the focus for the PIPA effort.

2 So PIPA was not developed with
3 gathering lines or distribution pipelines in
4 mind, but only the gas transmission and
5 hazardous liquid pipelines, which -- that in
6 and of itself is enough.

7 This is a good example that we
8 like to show frequently, that probably
9 actually is from Carl being that it is in
10 Washington state, but it's a good example of
11 population growth in a suburban environment
12 and how that in this case residential
13 development has encroached upon an existing
14 pipeline right of way where homes are being
15 built right up to the pipeline right of way,
16 oftentimes varying distances away from the
17 right of way, but sometimes literally right on
18 top of the line.

19 And this is the issue that PIPA
20 was originally charged with -- challenged with
21 trying to address in developing the
22 recommended practices.

1 The fact of the matter is that
2 land use planning and development can and
3 oftentimes does have an impact on pipeline
4 safety to the critical infrastructure as well
5 as to the excavators, the developers, the
6 construction crews that are out there on the
7 ground doing work adjacent to the pipeline
8 right of way.

9 What the key goal of the PIPA
10 recommended practices is, to provide guidance
11 to these various stakeholders on how
12 development can occur adjacent to pipeline
13 rights of way to protect both people, the
14 environment, as well as -- and the
15 infrastructure.

16 Just a little bit of background.
17 The PIPA effort consisted of approximately 130
18 stakeholder representatives. It was a very
19 broad group of people, much larger, a much
20 more diverse group than we are used to working
21 with within pipeline safety, included all the
22 pipeline trades, National Association of

1 Homebuilders, National League of Cities,
2 National Association of Towns and Townships.

3 So just really a diverse group of
4 people that came together in a relatively
5 short period of time to develop the initial
6 draft.

7 There were some delays in working
8 through some of the final recommended
9 practices. That took some time, approximately
10 a year.

11 But we were able to wrap all of
12 that work up and complete the PIPA final
13 report and release it in December of last
14 year.

15 And the goal is to educate local
16 planners and developers about the relative
17 risks associated with pipelines, with
18 transmission pipelines, and to get these
19 different stakeholder groups, the planners,
20 the local municipalities representatives, the
21 pipeline operators, the developers, getting
22 all of these people communicating at an early

1 stage to understand what is proposed regarding
2 the development and what the impact might be
3 on that existing right of way.

4 I also want to point out that
5 initially PIPA was looking at new pipeline
6 construction and that was causing a lot of
7 problems in trying to develop the recommended
8 practices associated with that, and in the
9 end, in terms of just trying to get a finished
10 product out, we put that on the back burner
11 and that will be something that we work to
12 address at a later date.

13 So currently there are no PIPA
14 recommended practices that address new
15 pipeline construction, but as it states here
16 in the bottom, early communication is really
17 what is critical, to make sure everyone is on
18 board, that everyone understands what is being
19 proposed for development, and that people are
20 aware of where the pipeline or pipelines exist
21 and if there is any potential impact of that
22 new construction on the pipelines.

1 There were a number of discussions
2 through the PIPA process regarding whether we
3 should be interested or focused on areas
4 outside the pipeline or right of way, but the
5 reality is that oftentimes when there is a
6 worst case pipeline accident, it does impact
7 areas outside the pipeline right of way.

8 So it was critical for the PIPA
9 recommended practices to address the reality
10 oftentimes of these worst case scenarios.

11 So one of the other things that
12 has been constantly discussed regarding PIPA
13 and before that, the original TRB report, has
14 been risk-informed planning, and risk-informed
15 recommended practices.

16 And there were a lot of struggles
17 within the various teams that comprised the
18 PIPA effort about how do you address that at
19 a national level, and how do you implement the
20 issue of risk into these recommended
21 practices?

22 And really, what it boils down to

1 is that risk is often -- it's a local issue
2 because there are a lot of variabilities that
3 need to be addressed and those are at a local
4 level.

5 The PIPA has different
6 characteristics, it can be large diameter,
7 small diameter, you know, high throughput, low
8 pressure, gas, various types of gases, various
9 types of hazardous liquids, and then you have
10 the local environment, whether it's in a high-
11 population area, low-population area, whether
12 it is rural or urban, and local typography as
13 well.

14 So there are a lot of issues that
15 need to be discussed when you are looking at
16 making risk-informed decisions regarding land
17 use development.

18 And so really what the recommended
19 practices try to focus on is that occurring at
20 a local level.

21 There are essentially two
22 different types of recommended practices

1 within the report. There are baseline
2 recommended practices which are those intended
3 to be implemented prior to any discussion of
4 future land use development.

5 That is likely at least initially,
6 that's where most people who are working on
7 implementing PIPA recommended practices,
8 that's where they are focused, is looking at
9 what are some of these baseline RPs that is a
10 good fit for their local community.

11 In addition to baseline
12 recommended practices, we also have new
13 development recommended practices, and those
14 are meant to address specific development as
15 it is being planned and then during
16 construction phases.

17 And those recommended practices
18 are meant to reduce risk both to the --
19 possible to the new development but also as
20 well to the existing pipeline infrastructure.

21 There are essentially four groups,
22 four stakeholder groups within the RP that are

1 identified. They include the local government,
2 the property developer, owner, the
3 transmission pipeline operator and the real
4 estate commission.

5 I think that the -- and most of
6 the RPs address the top three. There is only
7 one recommended practice that is related to
8 the real estate commission. I think probably
9 early on there was more focus that was planned
10 for involving realtors and I don't think that
11 ever really just -- it never came to fruition.

12 So, the vast majority focus on the
13 top three, and oftentimes when you -- I have
14 got an example here in a minute -- many of the
15 recommended practices can relate to more than
16 one audience.

17 Some relate to just local
18 government, but a number of them relate to
19 both local government and developers and/or
20 pipeline operators.

21 This is a screen shot from once
22 again back on stakeholder communications. On

1 the left hand side you can see circled, and I
2 can't point to it, but anyway, the area that
3 is circled is a -- we have made a number of
4 improvements and enhancements to the land use
5 planning or PIPA link that is on the website.

6 The url is here at the bottom. We
7 have also created a specific PIPA url. This
8 one is pipelineinformedplanning.com.

9 Unfortunately PIPA was already
10 taken so we have kind of worked around that
11 and we have actually created a number of
12 different urls including
13 pipelinesinformedplanning,
14 pipelinesinformedplanningalliance.

15 So there's a number of different
16 things, that if you type in, you are going to
17 get to the website. So we have got about six
18 different urls that will all redirect you to
19 the land use planning section of stakeholder
20 communications.

21 Once you select the land use tab,
22 you can see a variety of different options

1 that come up here on the left. It breaks the
2 recommended practices down by audience group
3 so you can select for example local government
4 to see only those recommended practices that
5 pertain to local government.

6 And we have also created this
7 matrix out on the website that identifies on
8 the left hand side identifies the recommended
9 practice number, starting with the baseline
10 recommended practices and moving down through
11 the new development.

12 It gives a brief title of the RP
13 and then identifies which of the local ---
14 which are the audience groups that RP pertains
15 to.

16 So it makes it a lot easier to
17 navigate through. You can also click on the
18 specific recommended practice number and it
19 will take you, and you will actually see the
20 complete recommended practice.

21 So it just makes it easier to
22 navigate through the document because it is a

1 fairly substantial document and a little
2 cumbersome to use.

3 So this just facilitates someone,
4 especially someone who is new to PIPA, to
5 understand exactly what are the recommended
6 practices that might be of interest to them.

7 We have -- we stood up a new PIPA
8 communications team to try to identify what
9 are the short term and long term goals for
10 outreach, for education, for communicating
11 what PIPA is about, what the RPs mean and how
12 they might be implemented at a local level.

13 And at least initially, this --
14 the PIPA outreach effort is going to be a
15 grass roots effort, we have had -- we had our
16 initial meeting here in DC back in January and
17 we had a lot of discussions going around and
18 around as far as you know, what are the best
19 options for the long term essentially care and
20 maintenance of PIPA; and what are the things
21 that we could do to get the word out there and
22 educate all the different audience groups

1 about PIPA.

2 And what it keeps coming back to
3 is essentially a grass roots effort and so we
4 have a number of strategies that we are
5 working on and identifying opportunities to
6 get out there in front of the different
7 stakeholder audiences, to engage with them and
8 to educate them about PIPA.

9 For example, in a few weeks I am
10 going to be at the American Planning
11 Association conference in Boston, and there's
12 actually an entire panel discussion related to
13 PIPA.

14 So we are hoping for a good
15 turnout there and to start the ball moving
16 with planners, getting them more knowledge --
17 more informed about pipelines and the PIPA
18 effort.

19 The organizations that make up the
20 PIPA communications team are essentially sort
21 of the -- these are the core organizations
22 that worked through some of the final

1 remaining problems and challenges that we had
2 in getting the recommended practices out.

3 And it includes obviously PHMSA
4 and NAPSIR are the co-chairs. I am working with
5 Cynthia Munyon who is representing NAPSIR, and
6 we are working as the co-chairs for this team
7 and we have CGA, the Trust is there, and the
8 Pipeline Trade Associations in addition to
9 the National Association of Homebuilders,
10 National League of Cities, and National
11 Association of Counties.

12 We have been working pretty
13 closely with NACo for the past couple of years
14 and they actually have done a very good job of
15 getting us included in events related to the
16 American Planning Association so they have
17 been a very good conduit for us to get to
18 those local planning organizations and
19 officials.

20 So that's a very brief
21 presentation on PIPA and I am happy to take
22 any questions.

1 MS. HAMSHER: Denise Hamsher, with
2 Enbridge. You mentioned consideration of a
3 PIPA-like document. I am sure what it would
4 be, for new construction. Can you elaborate?
5 Is that just kind of a long-term wish list? Do
6 you have a specific plan?

7 MR. FISCHER: It is more of a
8 long-term goal. It's one of the things -- I
9 didn't get into a lot of detail on the
10 communication team, but one of the things that
11 that team is also looking at is what are the
12 short-term and long-term options for
13 maintaining PIPA.

14 The idea is that it is going to be
15 an evergreen document, that as we learn from
16 communities and other stakeholders about how
17 the recommended practices have been adopted,
18 locally as ordinances or however, that we will
19 take those learnings and make adjustments,
20 refinements to the PIPA document.

21 And so when that process begins,
22 whenever that is, that's not identified, but

1 whenever that process begins, certainly I
2 think one of the things that we want to
3 identify at that time, and begin discussions,
4 is the issue of new pipeline construction.

5 So essentially for the meantime,
6 it's on the back burner.

7 MR. TAHAMTANI: Any other
8 questions for Steve? Andy?

9 MR. DRAKE: This is Andy Drake
10 with Spectra Energy. You know certainly we
11 spent a lot of energy on the development of
12 PIPA and I think it provides a good foundation
13 on an important issue. It's actually one of
14 the issues in our action plan.

15 And I think that we are trying to
16 figure out how to take this to the next step
17 and institutionalize this. We have got a lot
18 of good thoughts.

19 Your communication team, I kind of
20 get the impression, it's more of an outreach
21 team. Is there, inside the scope of that
22 group, are there things on the table about

1 defining best practices, how to
2 institutionalize this, how to actually grow
3 this from a practical standpoint, not just how
4 to get more stakeholders aware of it, but
5 there's kind of another couple of dimensions
6 of it I think that are important to help make
7 it sustainable.

8 MR. FISCHER: Part of the
9 challenge with PIPA, as you probably know, the
10 model for PIPA was based on the Common Ground
11 study and then the eventual creation of the
12 Common Ground Alliance.

13 And so the -- when Jeff primarily
14 was you know, heavily involved with this, in
15 setting up PIPA, and the initial work of PIPA,
16 that was the model that we were following.

17 But I think where -- I think where
18 they differ is whereas you came out of the
19 Common Ground study effort with sort of a huge
20 groundswell of support for that effort, and a
21 commitment by all of the really important
22 stakeholders that had been involved with that

1 process, to continue really pushing that
2 forward and elevating it into something else,
3 and you eventually ended up with a brick and
4 mortar solution essentially with a creation of
5 the CGA.

6 I think for a number of reasons
7 you don't have that same groundswell of
8 support for PIPA. I think that there is
9 cautious optimism about PIPA because I think
10 a lot of people really don't know what it's
11 going to become, how exactly are those
12 recommended practices going to be implemented
13 locally and what is that going to mean for
14 developers, operators, you know, some of the
15 key stakeholders involved.

16 So you know, we have had
17 discussions about the -- and Jeff and
18 certainly we discussed this at our initial
19 meeting, was you know, is this something
20 potentially that the CGA is interested in
21 taking on as an additional role and
22 responsibility?

1 And what it comes back to is they
2 don't see it as being a good fit for them and
3 it kind of -- it gets into other stakeholders
4 that really aren't key to their efforts and so
5 if CGA is sort of off the table at least for
6 now, certainly the team spent a lot of time
7 talking about well, what are the other
8 options?

9 Is there another existing
10 organization that might be able to take this
11 on and run with it as a champion? And that is
12 not -- I welcome all input on this but it has
13 been -- it was a difficult decision, and
14 essentially where we left it in our meeting in
15 DC back in January was at least for now, you
16 know, we will do the best we can, but it is
17 hard to kind of identify what those additional
18 dimensions really are going to be.

19 MR. DRAKE: I think you are right.
20 To me it strikes me that you have got a lot of
21 different stakeholders and how to
22 institutionalize it in each one is very

1 different, represents different challenges and
2 problems.

3 Some will be very easy. Some will
4 be very, very hard. And I think we are just
5 going to need to come together explicitly and
6 compartmentalize the solutions across that, or
7 this -- we would hate to see this become a
8 half-adopted practice. It will be non-
9 effective.

10 And I have got a bunch of folks
11 that are very interested in working on this.
12 I assume the right person to direct them to is
13 to you?

14 MR. FISCHER: Yes.

15 MR. DRAKE: Okay.

16 MR. WIESE: Just a quick comment
17 if I can. I haven't fully given up on the
18 Common Ground Alliance yet. I had breakfast
19 with Bob Kipp about a month ago and tried to
20 work him on the issue a little bit.

21 And I don't think that they have
22 rejected it out of hand. For those of you who

1 go back in time a little bit, we actually
2 tried to get them to take it on before the
3 Transportation Research Board, but at that
4 point I think the CGA was still too new, and
5 still too focused on what they had to do to
6 build structure.

7 I understand the point about that
8 these aren't exactly overlapping, but I think
9 they overlap enough that the added advantage
10 of bringing the cities and the counties for
11 example into this, is to draw them into the
12 damage prevention world as well.

13 So I can see a lot of benefits to
14 doing that. Bob hasn't rejected it out of
15 hand, but it is not his place to do that. Some
16 of you are fairly strong members of the Common
17 Ground Alliance so maybe going forward we can
18 work together to talk to them.

19 Failing that, I think it is really
20 open to suggestion on how we proceed. I will
21 give credit where credit is due, and tell you
22 how long it takes for things to change in our

1 world, the seed of PIPA was a 2002 public
2 meeting here. I don't think it was this hotel
3 but it was Crystal City, and it was where we
4 first started talking about opening up in
5 communities and how do we do that stuff.

6 And a fellow at the end of the
7 table down here, Mr. Pates, who has since come
8 to work for us, was at that time railing
9 against us and the industry.

10 And when challenged on stage to
11 say well what can we do to help you, he said
12 I need help, you know, I can't arbitrate
13 between these developers, when I know there is
14 risk at hand there's -- I am seen as arbitrary
15 and capricious in my decisions. We need some
16 national guidance here.

17 So you know Jim, it has only taken
18 us you know, like nine years or so?

19 MR. PATES: One step at a time.

20 MR. WIESE: That's right. So I
21 think we do have that and I think we should
22 all take a little pride in having gotten that

1 done and I think that as communities struggle,
2 there is a reference out there now for them
3 but Carl has worked us on this issue for a
4 long time. We are hoping not to end up with
5 shelf art, you know, I think that was Carl's
6 term, and we are wide open to the idea and we
7 will happily help but we can't do it by
8 ourselves. We need to have others involved.

9 MR. WEIMER: If I can just one
10 real world example because I think now that
11 the report is out, the report is going to
12 force us to do something too because it is out
13 there in the world and I don't think posting
14 it on the website is the ultimate solution. We
15 need to work it.

16 But it is getting out there. On
17 Monday I received a call from a fairly high-up
18 official at HUD here in DC at our office in
19 Washington state.

20 He had a \$20 million project in
21 his hand that was supposed to be built on top
22 of a big natural gas easement, and he -- HUD

1 had got deep enough into this whole process,
2 into the report, that they actually ran the
3 PIR for this place and found out we have got
4 a problem here.

5 It was a bigger problem that it
6 was a Congressional earmark by two very
7 powerful Senators so he has on one hand got an
8 earmark and on the other hand he has got the
9 PIPA report saying you need to think about
10 this and he didn't know what to do.

11 So we almost need a PIPA SWAT team
12 to deal with specific issues too, because I
13 did my best but --

14 MR. WIESE: As I have been
15 reminded here, we have been trying to actually
16 target the tags, they are not much money. That
17 is really helpful in one way, so that's one of
18 the ways, if you represent communities or are
19 talking to communities, and they are wrestling
20 with these issues, they can apply for these.
21 It's only \$50,000 but you know it's meant to
22 help them.

1 So all right Carl, we will work on
2 the concept of that SWAT team with you but --

3 MR. TAHAMTANI: Jeff, I know you
4 are working Bob with respect to this. What
5 about the CGA Board? I'm on that board and I
6 haven't heard about you being interested in
7 CGA helping you with PIPA.

8 MR. WIESE: Well, I was supposed
9 to actually go to this Board meeting that just
10 happened and I think you guys met down in
11 Orlando, right? Yes, I was supposed to go
12 there and I'm sorry, my participation was
13 pulled at the last minute thanks to our
14 continuing resolution.

15 We made a determination the only
16 people who could travel are the people who
17 were speaking and had a presentation at CGA so
18 we cut down.

19 And Congress has not yet funded us
20 as you know. They give us two or three weeks
21 at a time and we are asked by the
22 administration to cut unnecessary travel.

1 But I do want to so I know I can
2 count on you to help me make that happen.

3 MR. TAHAMTANI: Not only I can
4 help you with that but any time you want to
5 travel, we can always put you on the agenda
6 and then make you talk.

7 MR. WIESE: Very good.

8 MR. TAHAMTANI: Any other
9 questions for Steve?

10 MS. HAMSHER: Will you let him
11 speak?

12 MR. TAHAMTANI: No we will just
13 get him there. Any other questions for Steve?
14 Thanks Steve.

15 The last item on the formal agenda
16 is a briefing by INGAA on industry safety
17 initiatives and I think Andy, and do you have
18 somebody who is going to tag team with you?

19 MR. DRAKE: Maybe Dan.

20 MR. TAHAMTANI: Okay. Yes, and
21 Jeff is going to make some comments before we
22 get into it.

1 MR. WIESE: I am not sure Andy is
2 now saying oh-oh, so yes. I would like to just
3 set this up by saying that you recall the last
4 time we met, I think it was the last time we
5 met in person, we asked Andy, Dan and others
6 to talk to us about things we had been working
7 on, challenges and new construction.

8 It's a model I would like to
9 replicate so as the other members of the
10 committee are thinking about challenges that
11 we are facing in pipeline safety that are
12 bigger, we are going to want to bring people
13 in.

14 I talked to Wayne. I know Wayne
15 had to step out for a telephone call, but I
16 talked with him about bringing in discussion
17 about things like shale gas, how is that
18 changing our world, what does it mean for
19 pipeline safety.

20 So just if you will, think about
21 it. We were very active in the area of new
22 construction given the surge of the past five

1 or six years.

2 We and our state partners found an
3 incredible number of problems in new
4 construction, the likes of which neither we
5 nor the industry liked.

6 I will give industry in particular
7 INGAA a nod here for really being very
8 vigorously going after, it's a good example of
9 where we really don't need law or regulation
10 in order to fix problems and I think that's
11 what they are going to be talking to you a
12 little bit about.

13 MR. DRAKE: I think we have been
14 looking to take an active role in trying to
15 address some of the issues that we see
16 certainly as Jeff alluded to, we have done
17 over a dozen technical reports related to some
18 construction quality issues and pipe quality
19 issues that surfaced during the construction
20 boom about three years ago and I think those
21 are now all in the final state.

22 One of the deliverables here is

1 related to that. But in the early part of last
2 fall, a small group of us went to Jeff and
3 Cynthia and broached the issue and the concept
4 about what to do with IMP. What is the next
5 step? Where do we take it?

6 We saw, certainly, we were in the,
7 I think at the time we were in the wake of the
8 Horizon BP incident, San Bruno I think had
9 just happened.

10 But I think as much as anything we
11 see the end of the baseline period coming, a
12 lot of interest in what to do with this, where
13 are we going now.

14 We sat down and talked a long time
15 about where the puck was going and what the
16 next logical issues might be. We went back,
17 looked at that feedback and sat down and then
18 there was several, a rash of incidents across
19 the industry and we sat down with our board of
20 directors at INGAA, and these are the CEOs and
21 Presidents of all the operating companies, the
22 transmission pipeline operating companies.

1 And we felt like we really needed
2 to stop and take a hard look at where are we
3 going and what is the next logical step and
4 commitment we need to make, because actually
5 it could be quite significant.

6 Based on that, I think we really
7 tried to look back at what is the -- what is
8 our commitment? What are our goals and define
9 a plan to support those commitments and
10 deliver on our goals.

11 And basically we have created a
12 Board level sponsored initiative across the
13 gas pipeline transmission industry and I just
14 wanted to give a little bit of insight into
15 where that group is going, what those things
16 are constructed around, it will shape what we
17 are doing and how we approach our business,
18 and I thought that might be of interest to
19 this group.

20 This slide I think kind of gets a
21 little bit to the point about pipeline safety,
22 has been in a constant state of evolution.

1 Regulations, standards and operating practices
2 have evolved continuously over time.

3 It didn't just happen, snap, and
4 all of a sudden we got great divine
5 intervention on how to make pipes safe. It's
6 been going on a long time starting way back in
7 the '20s.

8 And I think this kind of goes back
9 to Gene's point, that it's not just this
10 simplistic age issue. It's a very complex
11 issue that was gradually evolved over time and
12 so to deal with the risks that it creates is
13 a complex issue and it's not just a single
14 dimensional, single variable and silver bullet
15 kind of answer and we are all feeling good
16 again.

17 It is very complex and we must
18 embrace that complexity as we have done in the
19 past, and I think that will be a big key to
20 the ingredient of our success.

21 When we looked back with the
22 Board, what did we need to concentrate on, I

1 think it was important for us to really
2 establish what were our commitments, what are
3 our obligations as an industry, and we needed
4 to clarify that for all of the operators.

5 We have heard many times that we
6 are a very, very diverse group. We are not
7 naive to the concept of the least common
8 denominator and that is quite a point of angst
9 among many stakeholders around the table here,
10 and that we have to, as some of our past
11 stakeholders have told us, we have to float
12 all the boats, we have to raise all the boats
13 in the water not just a few.

14 And that is quite a challenge to
15 us so we really wanted to be very clear, not
16 just to other stakeholders but to our own
17 constituents, what is it that we stand for and
18 what are we committed to?

19 And the first thing was that our
20 goal is zero incidents, period, not qualified,
21 a perfect record of safety and reliability for
22 the national pipeline system is our goal, and

1 we will work continuously to get to that goal.

2 It's an important focus for us,
3 but we recognize that that performance and
4 confidence of the public and the other
5 stakeholders is a result of effort and not
6 word.

7 So this is really just the
8 beginning not the ending. I think this is the
9 beginning of a much more intensive effort on
10 our part to make a step change.

11 The second, we are committed to a
12 safety culture as a critical dimension to
13 continuously improving our industry's
14 performance.

15 When we were meeting, a very
16 interesting meeting a couple of months ago
17 with Carl and the PSD Board in Washington, the
18 interesting discussion kind of gravitated to
19 management systems and the importance of a
20 sophisticated management system that is more
21 than just action-oriented, you know, a very
22 prescriptive effort.

1 It's more about a culture, it's
2 more about a supporting infrastructure inside
3 the company to make sure that the
4 underpinnings are there to actually support
5 the direction, not just a list of to do items.

6 I think that's an important
7 element for us to grow on. I think this is a
8 good step change area for us. Many companies
9 do operating management systems that are very
10 sophisticated. They exist in other industries.
11 There is a lot of precedence around this and
12 I think it's a good expansion and growth area
13 for us as well.

14 Three, we were committed to -- we
15 defined that we would be committed to
16 improving our performance by learning and I
17 think the issue that you take away there is,
18 that this is a formal, explicit effort on
19 metrics, the collection of valued data, not
20 just lots of data, but something of value, the
21 analysis of that information, and the
22 institutionalization of learnings from that

1 analysis.

2 We have done that a little bit
3 more anecdotally than we have in the past. I
4 would think we are not starting from ground
5 zero there but I think we have some growth
6 areas there.

7 I think the next issue is
8 something that we have gotten quite a bit of
9 conversation around the industry about, and
10 that is that we are committed to applying
11 integrity management principles on a system-
12 wide basis. That is not qualified.

13 We are intending to apply
14 integrity management to every foot of pipe,
15 along with all the repair criteria. I think
16 it's an important confidence to people that
17 there is a practice deployed that is across
18 the system. When we say we do this, it means
19 something.

20 I will say this, that one concept
21 that we are working currently to help shore up
22 is the concept of high consequence areas

1 expansions. I think that we might really twist
2 that more to what we really want to do is
3 expand integrity management into the rest of
4 the system.

5 High consequence areas are high
6 consequence areas. Just making them more and
7 more and more and more just means we can water
8 down our understanding of high. Pretty soon
9 everything becomes high and you have lost your
10 focus.

11 I think what we want to do is get
12 the accent on the syllable as define
13 consequences and then apply risk management
14 appropriately to different gradients of
15 consequence.

16 So maybe we come up with an MCA, a
17 mid-level consequence, and then figure out how
18 to roll integrity management into that. It's
19 just a concept that we are pushing right now
20 or thinking about right now.

21 The fifth is that we engage all
22 stakeholders and local community to the

1 national -- from the national level all the
2 way down to the communities, so that they
3 understand and participate in risk reduction,
4 that they actually are an active element in
5 that.

6 I think that -- a little bit of a
7 mea culpa here -- we will probably have to
8 create those opportunities because we haven't
9 in the past. We are a little bit of a
10 technical entity to some degree, and we have
11 come up with very technical solutions to not
12 always technical problems, and we have missed
13 opportunities to understand what people's
14 concerns are, and I think we need to create
15 opportunities to make sure we are synchronized
16 on what the issues are and what the concerns
17 are and deal with the full bandwidth of
18 concerns, not just the technical elements of
19 it.

20 I will move along a little bit
21 here because I think these are more kind of
22 just background information. You can look at

1 this for reference later.

2 In this initiative, it is a Board-
3 sponsored initiative, again our CEOs and
4 presidents are committed to this. They have
5 broadened the scope from just a technical
6 application and so you see basically four work
7 streams that are on the board there.

8 One of the key work streams is
9 stakeholder communications. We felt like it
10 was important enough to make it an explicit
11 area of work effort for us.

12 Then there is the integrity
13 management continuous improvement process.
14 That is more of the operating technical people
15 than you have seen traditionally in the past.

16 There is a legislative element of
17 this certainly with regard to reauthorization,
18 then there is a FERC issue about -- it's shown
19 as cost recovery but this is a very complex
20 issue. I know a lot of people are more
21 familiar with cost recovery in the context of
22 PUCs. We are a competitive industry and cost

1 recovery for us is cost recovery in a
2 competitive market, and I know the FERC is
3 sitting right behind me smiling, that we can't
4 just pass through costs carte blanche. It's a
5 very, very complex issue.

6 And so we want to make sure that
7 they are engaged in that conversation because
8 it will be a significant effect in a
9 competitive environment.

10 I think the next issue really here
11 just shows that I think we have to embrace the
12 complexity of the problems that we are facing.
13 We would like to think that there is a silver
14 bullet out there, there is something easy we
15 are going to do.

16 There's not. We have to maybe look
17 at different dimensions of a solution as we
18 talked about earlier, about management systems
19 and cultures, because if we don't, we fall
20 into the issue about just becoming some sort
21 of technical executable. We just become pig
22 and dig, I have heard that term.

1 If we pig and dig we will miss
2 integrity management. The very fundamental
3 precept of it is it's about management and
4 awareness and data and analysis.

5 It's not about a rote execution of
6 a technical activity and I think that is what
7 we are trying to pick up here, it's
8 understanding and knowledge and the
9 application of that in a systematic method.

10 So we intend to apply risk
11 management very, very explicitly, and I think
12 make sure that all the stakeholders have
13 synchronized on what that means will help
14 maybe lower some stress cracks that we might
15 see down the road when people are dealing with
16 it that don't make any sense.

17 Hopefully it's happening in a
18 logical, methodical approach.

19 We have a time line here. I think
20 some of these efforts -- the point here is
21 that these efforts are under way. We are
22 moving with those. We are working very

1 actively to try to find opportunities to get
2 stakeholders other than ourselves involved in
3 these activities or at least ping them and
4 update them to the level that they need to or
5 want to be involved.

6 We need to be moving on these
7 things obviously because timing is very
8 important. As we have heard all day long,
9 these issues are you know, are quite pressing
10 to a large number of the stakeholders and we
11 need to be making progress.

12 So we prioritize these action
13 items and we are working on them right now.

14 These are basically the eight work
15 streams that we have inside the operating
16 integrity management focal area.

17 I am not going to read through
18 these, I think that they stand by themselves
19 and should make some sense. I think some of
20 them we are revisiting positions. I want to
21 pick on valves a little bit in particular.

22 I think valves is a good

1 illustration of a technical answer to perhaps
2 a problem with other dimensions to it, and we
3 need to revisit the other dimensions of that
4 problem about automation of valves to be an
5 effective part of solving the concerns around
6 it, and how emergency response and emergency
7 preparedness fits into that solution is a
8 little bit more complex than I think some of
9 our past solutions have embraced.

10 I think as we brought up earlier
11 and Jeff brought up this morning, the new
12 construction issues, there's many research
13 reports there that are on the verge of
14 completion. I think that we are just looking
15 to try to find ways to get other stakeholders
16 involved in reviewing them and get them
17 instituted into industry standards so that
18 they can be embraced in regulation.

19 But I think those represent a good
20 opportunity to take a step forward in new
21 construction practices.

22 With that I just wanted to wrap up

1 but this is really a significant change for
2 us. We are trying to find a way to reach all
3 of the operators across the transmission
4 enterprise.

5 That is a good challenge for us.
6 We do have the Board's commitment on this,
7 which is quite significant, and we are looking
8 for ways to make this quite material and
9 evidenced, put our toes on the line so to
10 speak, where it is very clear which operators
11 subscribe to these practices, and what those
12 practices embody, almost like we hold these
13 truths to be self-evident, if you put your
14 name on this list, you are in.

15 And then I think that it becomes
16 quite apparent who is moving and pushing on
17 this and who has put their foot on the line
18 with regard to this commitment.

19 But with that, I appreciate the
20 opportunity just to present this. It is
21 something that has been a significant
22 challenge in the industry. I think it is a

1 good opportunity for us. It does represent a
2 step change and quite a bit of work.

3 With that I am glad to take any
4 questions.

5 MR. TAHAMTANI: Any questions for
6 Andy? Apparently you did a fine job Andy, no
7 questions. So with that I will turn over to
8 Jeff, I think he has got a few things to keep
9 us busy for the next hour.

10 MR. WIESE: Okay, so, and Cheryl,
11 oh Cheryl is not there okay. Well first of all
12 thanks Andy, I appreciate that and I know that
13 you guys are hard at work on this.

14 You know I think we need to engage
15 others as you have said, and you guys have.
16 You have been reaching out to the
17 stakeholders.

18 It's interesting, to the extent we
19 can get shared vision across the industry,
20 forget about the sector, you know, to the
21 extent we can get that shared vision, and
22 communicate it, I think it will go a long ways

1 towards what I was going to segue, to use this
2 to segue to Secretary LaHood's action plan
3 that they were talking about this morning.

4 One of the early ideas that I
5 floated to them was to set up a subcommittee
6 of the advisory committee, we even talked
7 about that, to undertake some of this.

8 But they accelerated the time line
9 on me to a point where I don't see that as
10 practical. It's April 18th, it's a forum, the
11 executives are coming in on the 29th, he has
12 already been talking to people.

13 What we can take under
14 consideration though, and I am happy to engage
15 you in, is to form a subcommittee to work with
16 us on the report he has asked for. These are
17 Secretarial parlance, he wants a report back
18 to America, you know on pipeline safety.

19 And I think that this committee
20 could be a good way to have cross-
21 representation, all the sides come together,
22 review the materials, help endorse it and

1 almost it's like -- who was I talking to at
2 DOE at lunch, I think it was Jeff Wright, you
3 know DOE has a national petroleum council,
4 right? They make recommendations to the
5 Secretary.

6 I don't know if we need to go so
7 far as recommendations, but something we could
8 consider is forming a subcommittee who would
9 kind of review all the results and submissions
10 and put together a report back to the
11 Secretary which he can use to report back to
12 the country.

13 So just an idea I wanted to float
14 to you. I am happy to take any questions or
15 comments. If you don't want to swing at it now
16 you can think on it and give me your advice.
17 I probably would need to know by the 18th so
18 that I can -- he can say this is how I want to
19 handle this.

20 So I throw it open. It was okay, I
21 will come back to it, thank you though.

22 MR. DRAKE: Andy Drake with

1 Spectra Energy. You know, as, unfortunately as
2 one of the elder statesmen of the committee
3 now, as I was reminded at the last
4 teleconference, the -- I have seen this
5 committee in a lot of different shape and trim
6 and applications.

7 And the committee in real times of
8 turbulence and significant change, has
9 actually closed down the frequency of the
10 meetings and been much more explicit about
11 what is coming, where the puck is going so to
12 speak, and tried to get this committee
13 involved proactively.

14 And I think that has served all
15 the stakeholders very well at least from the
16 industry's side and I will throw this on the
17 table to the other stakeholders around the
18 table, I think we are in that time
19 unfortunately once again, and I think this
20 committee has served to get through those
21 turbulent times well and I would for one
22 recommend that we work to explicitly use this

1 committee and shorten up the interval maybe a
2 little bit of our frequencies, to help us vet
3 out issues before solutions are a fait
4 accompli that either are impracticable or are
5 inefficient and then we are wrestling them out
6 at the end and I think that is very painful
7 for everybody.

8 But just to give you some personal
9 thought on that, I think that that is a very
10 constructive way to get through this.

11 MR. WIESE: You know, and so I
12 agree and Andy and I have talked about this
13 off-line, the challenge is pulling 30 people
14 together and it's a federal advisory committee
15 setting.

16 It's also a cost issue, not huge,
17 but it is a cost issue since we underwrite the
18 committee on everything, and then there needs
19 to be public involvement, there is a lot of
20 rules in there.

21 Subcommittee I had hoped would be
22 a more workable format where it is not

1 actually a full committee meeting, it doesn't
2 come with all the baggage that that comes
3 with, the subcommittee would be chartered to
4 report back to the full committee.

5 But we can take on more than one
6 issue, you know, and so while I gave you a
7 specific suggestion I am open to other
8 potential uses of the subcommittee.

9 As to frequency, I take your
10 advice on that, we have historically as you
11 know had a hell of a regulatory agenda ahead
12 of us and we have been fighting our way
13 through there.

14 I am pleased to say, as I told the
15 liquid committee the other day, I think
16 integrity management is a very sound
17 framework, even the Deepwater Horizon
18 commission, I don't know if you saw all that,
19 you took a look at what they said, you know,
20 fundamentally the framework that we have in
21 integrity management is pretty solid.

22 We have room to improve. There are

1 things we can do better. But we don't have to
2 reinvent, you know, which some agencies have
3 had to do.

4 So I think a lot of that wave is
5 past and so now that is why I say I want to
6 elevate the committee to a policy level
7 discussion so your point about earlier
8 involvement, that is, again that is why we are
9 bringing in some of these discussions about --
10 you know, Mike Israni was here talking about
11 gap analysis, we are talking about gathering
12 issues.

13 But we are open to your advice. If
14 you want to meet more often we can. Sometimes
15 there is business that has to be done, that is
16 the voting.

17 But I would say it hasn't been
18 that contentious with maybe the exception of
19 control room and DIMP, that was a tough one.
20 But I think we have managed to work our way
21 through these pretty well.

22 So I don't want to waste your time

1 either so I don't want to get to a point where
2 we convene a meeting and we only get half the
3 members to show up, because we are coming too
4 fast.

5 So what is the right frequency,
6 you know, I am not bound to four times a year,
7 and you can do some on teleconferences. Four
8 times a year might be a challenge, but maybe
9 three times a year.

10 MS. HAMSHER: I guess I would echo
11 some of what Andy said in that we have the
12 coming months of reauthorization, admittedly
13 by the staff director, a green Congress, no
14 pun intended.

15 And we have this quote report to
16 America or whatever you want to call it, so --
17 which all are kind of policy drivers so if not
18 a promise forever, I think this coming year,
19 in the aftermath of some significant
20 incidents, in the aftermath of a hoped for
21 eventual findings from NTSB, the
22 reauthorization and all that would all be good

1 frameworks for this committee to provide some
2 input on and perhaps be a source rather than
3 the more disjointed lobbying of Congress or
4 the one-off reports.

5 MR. WIESE: Okay, well why don't I
6 do this, because I talk to many of the members
7 fairly frequently. Give me your ideas on what
8 you want to talk about, because I have put out
9 calls before and I know everybody has got a
10 full-time job, but when I ask about what do
11 you want to talk about, we don't get much
12 back.

13 So then we kind of crash and burn
14 and throw out an agenda that we hope will be
15 of interest to you. The only thing on
16 reauthorization, we could pick topics in there
17 but the administration has already acted. The
18 Senate has largely acted. And we are waiting
19 for the House to act.

20 And I think that one will come
21 together but let's knock on wood we get it
22 done this year, right?

1 But yes, fair point, but send us
2 your ideas what you want to talk about.

3 MS. HAMSHER: One of them would be
4 oftentimes Congress or the Senate asks for
5 PHMSA to consider or study or evaluate an
6 issue. Those are the type of topics.

7 Yesterday at the liquid meeting we
8 heard about this, the diluted bitumen study
9 and its effect or lack thereof for pipeline
10 safety.

11 There are other studies and areas
12 of interest that might be an appropriate kind
13 of food for thought.

14 MR. WIESE: Okay, any other
15 comments as far as future work or frequency of
16 the committee go? Is three times striking you
17 as overbearing? Gene?

18 MR. FEIGEL: I'll get into broken
19 record mode. Two months ago, when you asked
20 for potential discussion items for this
21 agenda, I brought up my favorite topic which
22 is cost benefit analysis and I don't see it

1 anywhere, which is fair enough, I mean if
2 there wasn't time.

3 But I guess I take umbrage a
4 little bit in suggesting -- in your suggesting
5 that we never come up with suggestions to pad
6 out the agenda.

7 MR. WIESE: Fair. Fair, although I
8 think we had some people call you Gene to talk
9 to you about it, so getting half way there, so
10 that is fair and I'll ask Mr. Gale to work
11 with me to make sure that one gets done at the
12 next meeting that we have, so I promise you.

13 Really, if you are serious, if you
14 come forward with ideas, we ought to take care
15 of them. So --

16 MR. TAHAMTANI: Jeff you noted
17 that you were thinking about a subcommittee of
18 these two committees to help with this report
19 back to America task? I don't think that went
20 anywhere.

21 MS. HAMSHER: Everybody looks
22 down.

1 MR. WIESE: Yes, oh, look at the
2 time. What time is the reception?

3 MR. TAHAMTANI: I guess to explain
4 what would happen. On the 18th there would be
5 some sort of an event, recorded event where
6 people would discuss about how to improve
7 pipeline safety in the country, I would
8 imagine.

9 Then somebody has got to take that
10 and turn it into a report if you will, so that
11 the Secretary can put it out there as his
12 report to the country.

13 Where would this subcommittee come
14 into that equation as you envision?

15 MR. WIESE: Assuming that
16 everybody is fully employed, we would staff
17 it. I don't think that we would -- whether we
18 participate or not is irrelevant -- but we
19 would staff it.

20 There is going to be a lot of
21 input. We are going to open a docket so we are
22 going to take comments from everyone, but

1 there is a fairly broad cross section of
2 people involved. Jeff Wright from FERC is
3 here, FERC has offered to be involved, NARUC
4 has offered to be involved, Lula is --

5 MS. FORD: And because he is from
6 Illinois, my commission is involved.

7 MR. WIESE: Yes. There will be a
8 lot of invitations going out. So there will be
9 a ton of input. What we need to do is somehow
10 or other sift it together into a report that
11 is digestible by the public which means by the
12 media and all of that.

13 Things haven't come together, but
14 one of the ideas that is floating around is to
15 have four panels. One panel would talk about
16 sort of the Rolling Value of energy pipelines
17 in America.

18 And some of us were on a study
19 called Rolling Value half a dozen years ago,
20 they might be able to freshen some of that
21 stuff up.

22 Then there's, talking about what

1 is the safety record you know, and having some
2 consensus. So there are going to be a lot of
3 people with input to that.

4 We will talk about what are the
5 challenges to improving pipeline safety and
6 then the fourth panel might be what are ideas
7 and recommendations on how to achieve, how to
8 overcome those challenges.

9 So I think it's going to be fairly
10 broad-based. We will certainly talk rates as
11 one issue, why we are appreciative of having
12 FERC and NARUC in the room with us.

13 I think the country needs to
14 understand that it is not as easy as just fix
15 it. We wish it was that easy, frankly our
16 lives would be better, it's not as easy as
17 just go dig the whole thing up and replace it.

18 We wish it was but it's not. Yes,
19 we have all learned the hard way that that is
20 not possible. So what do we do in order to
21 assure the country that the network that they
22 depend on every day, almost every minute of

1 their day but don't know it, is running
2 safe. So that's what I would
3 envision, is we will pull together the
4 information, we will talk it out with you all,
5 organize it into a report, with your
6 concurrence, report out to the full committee,
7 and then send that to the Secretary.

8 That is a model for your
9 involvement.

10 MR. KUPREWICZ: Just a comment
11 from a public perspective. There's great risk
12 here in that the NTSB and a couple of other
13 organizations across the country are doing
14 independent investigations and I would hate to
15 have a report that might come across as some
16 political PR, and find out -- and again I am
17 not saying that that would happen -- but the
18 risk would be it's completely out of synch
19 with these independent investigations and we
20 have no idea when they are going to issue
21 those.

22 So there is some risk here.

1 MR. WIESE: I think that the -- I
2 am fairly familiar with all those accidents
3 and there is a -- I am betting money that the
4 challenges that we say come out of this are
5 going to relate, whether it's a limitation in
6 technology, whether there is an economic
7 constraint, whether there is a lack of
8 knowledge on something, whatever, I bet all of
9 those will fit in there.

10 There may be, in some cases, if we
11 get into things like excavation damage, there
12 is not enough movement at a state level, and
13 so while it could be perceived that way and we
14 can never stop that, I mean if the media have
15 an agenda, they have an agenda, it is to say
16 we should be proud of what we say and be
17 willing to back it up.

18 But I would not want to do a
19 subcommittee that wasn't balanced, that had
20 industry, government and public on it. Shall
21 we have a show of hands or --

22 MR. TAHAMTANI: Well again, we are

1 trying to get your sense about creating the
2 subcommittee and then in terms of make sure
3 that it is balanced, we can work through that.

4 What other comments about having a
5 subcommittee that is engaged with this effort,
6 from this side of the room since you guys look
7 a little sleepy over there? I didn't wake them
8 up.

9 MR. WIESE: It is my job as the
10 DFO, which Cheryl didn't explain, she will
11 explain to the gas people tomorrow, to make
12 your life easier, so I am not going to put you
13 on the spot and ask for a show of hands on who
14 will serve on the subcommittee.

15 But I am offering, and I will take
16 it forward to our leadership to run that model
17 through, and I think I can probably get that
18 although I won't bet on anything at this
19 point.

20 If I get it, I will send a note
21 out to the members and I will ask for
22 volunteers. And so -- so you don't have to do

1 a show of hands here. I am hoping to have a
2 couple of more committee members joining us
3 too, in the not too distant future.

4 Okay. Let me think forward here. A
5 couple of other things I wanted to just,
6 fodder for your thoughts as the members,
7 because I don't see you very often and you are
8 all together.

9 Other things I have been thinking
10 about for subcommittees. One of them I
11 mentioned earlier was the alternative to class
12 location, something that might be -- that
13 solves this problem of liquids not having
14 class location, gas feeling constrained by it,
15 what is the right answer to that, is there
16 something that the committee would be willing
17 to take on and look at that.

18 And I do think that the hill might
19 come through with that kind of a mandate to
20 us, to -- as Denise said -- study it, and
21 report back.

22 I am pretty darned sure we will

1 get the one about the Canadian crudes so there
2 is another one for you. I wanted to reiterate
3 Administrator Quarterman's invitation to you
4 all informally to attend this event on the
5 18th.

6 We will send an email out to
7 everybody with the logistics and all of that.
8 Consider yourself invited and if you need
9 and/or want formals from the Secretary, I can
10 get those for you and send them to you.

11 So that was that. Let's see. I
12 think that's really about what I have for the
13 closing comments. There was a couple of just
14 administrative things that I would like to
15 cover right at the end, but I just guess I
16 would be remiss if we have gone on now all day
17 long and I haven't given one last round for
18 opportunity for comments or questions from
19 committee members and then I would like to go
20 to the public, if there is anyone from the
21 public who would like to say anything for the
22 committee purposes.

1 MR. STURSMA: If you are opening
2 it up for anything, there is one issue I would
3 like to mention that I probably should have
4 brought up while Tymon was here, and that is,
5 that's more San Bruno fallout where they had
6 some pipe they didn't know they had that was
7 weak, and we have a lot of pipe in this
8 country that is basically, it's operating
9 pressure is grandfathered.

10 And there seems to be some kind of
11 momentum building, the idea that if you have
12 older pipe that hasn't had its MAOP determined
13 by current methods, perhaps because you don't
14 have full information on what is out there,
15 that its operating procedure, at least its
16 maximum allowable operating pressure should be
17 reduced by 20 percent.

18 And to me that is a little bit --
19 it seems like an easy solution but to me it is
20 a little bit scary. I know we have pipelines
21 in my state that on a cold day can barely keep
22 up with heating demand at current pressure.

1 We have some economic development
2 issues where places are trying to attract new
3 business and industry but they can't assure a
4 firm supply of gas to feed them, so and jobs
5 is the magic word nowadays and it would affect
6 that.

7 So I am, I guess I'm not real sure
8 what to do about this other than in
9 legislation and perhaps in the Secretary's
10 talks, maybe you can get some recognition that
11 cutting MAOP has some serious ramifications in
12 other areas and I just hope that is recognized
13 by the people that are propounding it.

14 MR. KUPREWICZ: I just have to
15 enter for the record, because I am constrained
16 on certain information that I cannot release,
17 but if you think the San Bruno issue is just
18 related to wrong pipe, I have got to advise
19 you as a member of the public, there's almost
20 300 megabytes of data issued by the NTSB.

21 And this is a situation I wish no
22 company to ever be in, but we have some

1 serious issues here and we need to address
2 them as adults. Thank you.

3 MR. WIESE: Don, that didn't come
4 from us, I recognize the constraint that you
5 are suggesting but really to Rick's point, and
6 I was thinking of it when I was looking at
7 Andy's presentation, you know, considering
8 stuff stable, I'm sorry, there are things that
9 change and there are operating practices that
10 operators follow that change that.

11 So yes, everything else being
12 equal, it might be static, but it is hard to
13 have everything else equal, and if you are not
14 looking -- so let's say it was seismic or
15 something, they thought they had a -- well
16 first of all in that case we won't go into
17 that case, but I think we know there is a lot
18 of information there that was terribly
19 erroneous and their whole risk assessment was
20 keyed to it.

21 So I would just say here that is
22 one of the reasons we are doing this risk

1 assessment workshop, the seam workshop. I
2 don't know what the answer is Don to how do we
3 requalify pipe as fit for service and making
4 sure that these practices haven't been going
5 on and that we assume it is stable but
6 discount the possibility of operational issues
7 or changes in the environment around it that
8 affect that stability.

9 MR. STURSMAN: I am not disputing
10 that there is reason to revisit grandfathered
11 MAOPs because that was basically a way it was
12 handled in 1970 when the rules were first
13 adopted, where it basically says you can keep
14 whatever MAOP you have now but going forward,
15 here is how you determine it.

16 Well that has been 40 years ago
17 now and maybe that needs to be taken another
18 look at because my main point was for the
19 people that say oops, if you can't meet this
20 test, instant 20 percent pressure reduction,
21 that it ain't quite that easy, that there are
22 some real ramifications of doing that and that

1 kind of measure should be considered with
2 great care.

3 MR. WIESE: I think that
4 recommendation came from a couple of U.S.
5 Senators if I am not mistaken, so anyway,
6 okay. Other comments from the committee
7 members? It would be fair to turn to the
8 public and ask if there is anyone from the
9 public who has anything they would like to
10 offer. I apologize for not doing that earlier.
11 We have worn you out.

12 Well Mr. Chairman I think we can
13 officially call it a close and then I have got
14 a few minor administrative announcements I
15 will make.

16 MR. TAHAMTANI: All right, if
17 nothing else then we will call the formal
18 meeting to close and I will turn it back over
19 to Jeff.

20 MR. WIESE: Great thank you. Just
21 real quickly I want to remind people that we
22 accelerated the reception to 5 o'clock, okay,

1 this is government after all, it will be a
2 cash bar, but where will the reception be
3 held?

4 MS. WHETSEL: It's right out here
5 and this room is still available if you want
6 to --

7 MR. WIESE: Okay. Great. So I just
8 would invite you to stick around and talk with
9 your colleagues. It's a good opportunity to
10 get to know people. You know I am sorry about
11 the half an hour break. We will do what we can
12 to try to get them to bring it here because I
13 know not everyone is staying in this wonderful
14 hotel. So maybe we will talk to them and see
15 if we can bring it up.

16 The only other things I wanted to
17 do is I wanted to say the gas committee will
18 be meeting again tomorrow morning at 9 o'clock
19 in this room, liquid committee having met
20 already this is sort of the end of their term
21 for this time.

22 I did want to thank the committee

1 members again for -- I realize you take time
2 out of your jobs, your daily lives to come in
3 and I appreciate that.

4 I thank my friend Massoud, yes, he
5 has the state police on his side, that works
6 every time.

7 I want to also thank Cheryl
8 Whetsel, Cameron, John, I know Dana and others
9 have been involved as well. Oh, there is other
10 advice that Cheryl has for the --

11 MS. WHETSEL: I just wanted to say
12 the information we are always asking what is
13 the docket number and I finally got smart
14 enough to actually do a slide or have Cameron
15 do it for me, but there is -- where all the
16 materials will be available at
17 regulations.gov, there is the docket number.
18 They will also be on our website but we are
19 having a little slowdown in putting materials
20 up right now because of a contract issue.

21 And if everybody would leave their
22 name tags and tent cards I would appreciate

1 it. I do recycle but we also have a meeting
2 tomorrow that I want to make sure that we have
3 everything for. So thank you.

4 MR. WIESE: Just a last couple of
5 things, I also wanted to thank a lot of the
6 PHMSA staff who came in to brief people so I
7 am not going to tick through the names but I
8 am always appreciative of the fact that we
9 have got a really good staff. I think they do
10 a good job. Hopefully you are well served by
11 that information.

12 I think with that, that brings it
13 to a close, so again, thank you very much for
14 your time and effort.

15 (Whereupon the above-entitled
16 matter adjourned at 4:33 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: THLPSSC and TPSSC Joint Meeting

Before: US Dept. of Transportation

Date: 03-24-11

Place: Arlington, VA

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