

U.S. Department of Transportation **Pipeline and Hazardous Materials Safety Administration** 1200 New Jersey Avenue SE Washington, D.C. 20590

September 5, 2019

ACTION MEMORANDUM TO THE SECRETARY

From:	Howard R. Elliott Administrator, PH-1 X6-4433
Through:	Maria Lefevre, Executive Director Office of the Under Secretary of Policy for Transportation X6-4544
Prepared by:	Alan K. Mayberry Associate Administrator for Pipeline Safety, PHP-1 X6-4595
Subject:	Report to Congress on Inspection Finding Notifications

ACTION REQUIRED

The Pipeline and Hazardous Materials Safety Administration (PHMSA) request that the Secretary approve the report to Congress on Inspection Finding Notifications, and authorize PHMSA Administrator Howard Elliott to sign and transmit the report.

STATEMENT OF LATENESS

The Administrator is required to submit this report to the Hill no later than October 1, 2019.

SUMMARY

The U.S. Department of Transportation is submitting the enclosed report titled "Inspection Finding Notifications" as required by Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016.

BACKGROUND

Section 7 of the PIPES Act directs PHMSA to provide to owners or operators of gas or hazardous liquid pipeline facilities a post-inspection briefing within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Administrator is also directed to report to Congress on the number of times one of these deadlines was exceeded in the preceding fiscal year and the length of time by which the deadline was exceeded. This report is to be sent to the Senate Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure, and the House Committee on Energy and Commerce by October 1, 2019.

RECOMMENDATION

PHMSA recommend that the Secretary approve the PHMSA Administrator to sign and transmit the report to Congress on Inspection Finding Notifications.

Attachments:

- 1. Transmittal Letters
- 2. Report on Inspection Finding Notifications
- 3. Appendix A: Language from 2016 PIPES Act, Section 7

The Secretary

APPROVED:

DISAPPROVED:

COMMENTS:

DATE:

Administrator

1200 New Jersey Ave., S.E. Washington, DC 20590



October 1, 2019

The Honorable Roger Wicker Chairman Committee on Commerce, Science, and Transportation United States Senate Washington, DC 20515

Dear Mr. Chairman:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

The Act directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to provide a post-inspection briefing to owners and operators of pipeline facilities within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Act further directed PHMSA to report annually to Congress on the number of times these deadlines are exceeded and the length of time by which the deadline was exceeded in each instance. The inspection and notification requirements also apply to PHMSA's State partners.

A similar letter has been sent to the Ranking Member of the Senate Committee on Commerce, Science, and Transportation: the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure; and the Chairman and Ranking Member of the House Committee on Energy and Commerce.

Sincerely,

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Howard R. Elliott



1200 New Jersey Ave., S.E. Washington, DC 20590



October 1, 2019

The Honorable Maria Cantwell Ranking Member Committee on Commerce, Science, and Transportation United States Senate Washington, DC 20510

Dear Congresswoman Cantwell:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

The Act directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to provide a post-inspection briefing to owners and operators of pipeline facilities within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Act further directed PHMSA to report annually to Congress on the number of times these deadlines are exceeded and the length of time by which the deadline was exceeded in each instance. The inspection and notification requirements also apply to PHMSA's State partners.

A similar letter has been sent to the Chairman of the Senate Committee on Commerce, Science, and Transportation; the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure; and the Chairman and Ranking Member of the House Committee on Energy and Commerce.

Sincerely,

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Howard R. Elliott

Administrator

1200 New Jersey Ave., S.E. Washington, DC 20590



October 1, 2019

The Honorable Peter DeFazio Chairman Committee on Transportation and Infrastructure U. S. House of Representatives Washington, DC 20515

Dear Mr. Chairman:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

The Act directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to provide a post-inspection briefing to owners or operators of pipeline facilities within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Act further directed PHMSA to report annually to Congress on the number of times these deadlines are exceeded and the length of time by which the deadline was exceeded in each instance. The inspection and notification requirements also apply to PHMSA's State partners.

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Sincerely,

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Howard R. Elliott

Administrator

1200 New Jersey Ave., S.E. Washington, DC 20590



October 1, 2019

The Honorable Sam Graves Ranking Member Committee on Transportation and Infrastructure U. S. House of Representatives Washington, DC 20515

Dear Congressman Graves:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

The Act directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to provide a post-inspection briefing to owners and operators of pipeline facilities within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Act further directed PHMSA to report annually to Congress on the number of times these deadlines are exceeded and the length of time by which the deadline was exceeded in each instance. The inspection and notification requirements also apply to PHMSA's State partners.

A similar letter has been sent to the Chairman of the House Committee on Transportation and Infrastructure; the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation; and the Chairman and Ranking Member of the House Committee on Energy and Commerce.

Sincerely,

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Howard R. Elliott



U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration

October 1, 2019

The Honorable Frank Pallone Chairman Committee on Energy and Commerce U. S. House of Representatives Washington, DC 20515

Dear Mr. Chairman:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

The Act directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to provide a post-inspection briefing to owners and operators of pipeline facilities within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Act further directed PHMSA to report annually to Congress on the number of times these deadlines are exceeded and the length of time by which the deadline was exceeded in each instance. The inspection and notification requirements also apply to PHMSA's State partners.

A similar letter has been sent to the Ranking Member of the House Committee on Energy and Commerce; the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation; and the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure.

Sincerely,

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Howard R. Elliott

Enclosure

Administrator

1200 New Jersey Ave., S.E. Washington, DC 20590



1200 New Jersey Ave., S.E. Washington, DC 20590



October 1, 2019

The Honorable Greg Walden Ranking Member Committee on Energy and Commerce U. S. House of Representatives Washington, DC 20515

Dear Congressman Walden:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

The Act directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to provide a post-inspection briefing to owners and operators of pipeline facilities within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Act further directed PHMSA to report annually to Congress on the number of times these deadlines are exceeded and the length of time by which the deadline was exceeded in each instance. The inspection and notification requirements also apply to PHMSA's State partners.

A similar letter has been sent to the Chairman of the House Committee on Energy and Commerce; the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation; and the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure.

Sincerely,

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Howard R. Elliott

Report: Inspection Finding Notifications PIPES Act of 2016, Section 7 Requirements

U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration Office of Pipeline Safety

Overview:

Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016 (49 U.S.C. § 60108(e)) requires that, for all pipeline safety inspections that the Pipeline and Hazardous Materials Safety Administration (PHMSA) categorizes as Unit Inspections and Integrated Operator Inspections, PHMSA must provide owners and operators of pipeline facilities with a verbal out-brief within 30 days of the completion of an inspection, as well as written preliminary findings within 90 days, to the extent practicable. The requirement applies to inspections performed by PHMSA, as well as those inspection programs of PHMSA's state partners. The PIPES Act further stipulates that a report be provided to Congress by October 1, 2017, and the beginning of each fiscal year thereafter for 2 years, identifying when notifications occurred outside of the prescribed timeframes. This report documents all such instances during the period from June 1, 2018, through May 31, 2019, and includes completion of 289 inspections of Federally regulated pipeline systems.

Inspection Finding Notifications from June 1, 2018, through May 31, 2019:

PHMSA Region Summary:

Eastern Region: All notifications to operators were conducted within the prescribed mandate.

Central Region: All notifications to operators were conducted within the prescribed mandate.

Southern Region: Two liquefied propane inspections did not receive Written Preliminary Findings within 90 days of the completion of an inspection.

PHMSA's inspection of Amerigas LP Naples and LP Fort Myers were both conducted from 7/11/2018 through 7/12/2018 and encompassed liquefied gas facilities throughout Naples and Fort Myers, Florida.

Following the final site visits, the inspectors were awaiting additional information from the operator to complete their findings; once received, they miscalculated the number of days remaining to submit the Written Preliminary Findings, missing the deadlines by two days and one day, respectively.

Southwest Region: All notifications to operators were conducted within the prescribed mandate.

Western Region: All notifications to operators were conducted within the prescribed mandate.

Report: Inspection Finding Notifications PIPES Act of 2016, Section 7 Requirements

U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration Office of Pipeline Safety

Summary of late Federal Notifications to Operators

Operator ID	Operator Name	Inspection Start Date	Inspection Completion Date	Verbal Exit Briefing	Written Preliminary Findings	Total Days Over 90
160730	Amerigas Propane LP Naples	7/11/2018	7/12/2018	7/11/2018	10/11/2018	2
160731	Amerigas Propane LP Fort Myers	7/16/2018	7/12/2018	7/12/2018	10/11/2018	1

<u>PHMSA National Association of Pipeline Safety Representatives (NAPSR) State Partners</u> <u>Summary:</u>

PHMSA revised its *Guidelines for States Participating in the Pipeline Safety Program* in December 2016 to include guidance for States to provide the 30- and 90-day notifications to pipeline operators. The State Program Pipeline Safety Managers are aware of this requirement, and PHMSA will hold State programs accountable through our annual Program Evaluation of State Pipeline Safety Programs.

State programs participating in PHMSA's Pipeline Safety Program consist of all States (except Alaska and Hawaii), the District of Columbia, and Puerto Rico. Arkansas and California have two programs each. State programs are represented by NAPSR (<u>http://www.napsr.org/)</u>, which comprises the Pipeline Safety Program Managers. PHMSA queried NAPSR to acquire the information necessary for this report. Each State program responded as to whether it met the 30- and 90-day notification requirements for the period from June 1, 2018, to May 31, 2019.

All State programs met the requirement for a post-inspection verbal briefing within 30 days.

Below is a listing of each State program that did not meet the requirement to provide written preliminary findings within 90 days. The reasons for the exceptions listed below varied greatly from State to State; however, most of them were due to resource constraints or a failure to follow internal procedures.

Frequency and number of days beyond the 90-Day Written Preliminary Findings Requirement, by State:

Report: Inspection Finding Notifications PIPES Act of 2016, Section 7 Requirements

U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration Office of Pipeline Safety

- California Public Utilities Commission: 3 times (28, 103, & 131 days)
- Indiana Utility Regulatory Commission: 1 time (12 days)
- Louisiana Department of Natural Resources: 1 time (2 days)
- Massachusetts Department of Public Utilities: 11 times (13, 49, 85, 85, 85, 85, 85, 85, 92, 111, & 163 days)
- Maryland Public Service Commission: 5 times (2, 4, 5, 6, & 31 days)
- Oklahoma Corporation Commission: 1 time (64 days)
- **Pennsylvania** Public Service Commission: 1 time (7 days)
- West Virginia 4 times (60, 200, 230, & 360 days)

Appendix A

SEC. 7. INSPECTION REPORT INFORMATION.

(a) INSPECTION AND MAINTENANCE.—Section 60108 of title 49, United States Code, is amended by adding at the end the following:

"(e) IN GENERAL.—After the completion of a Pipeline and Hazardous Materials Safety Administration pipeline safety inspection, the Administrator of such Administration, or the State authority certified under section 60105 of title 49, United States Code, to conduct such inspection, shall—

"(1) within 30 days, conduct a post-inspection briefing with the owner or operator of the gas or hazardous liquid pipeline facility inspected outlining any concerns; and

"(2) within 90 days, to the extent practicable, provide the owner or operator with written preliminary findings of the inspection.".

(b) NOTIFICATION.—Not later than October 1, 2017, and each fiscal year thereafter for 2 years, the Administrator shall notify the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of—

(1) the number of times a deadline under section 60108(e) of title 49, United States Code, was

exceeded in the prior fiscal year; and

(2) in each instance, the length of time by which the deadline was exceeded.

EXECUTIVE SECRETARIAT ACCEPTANCE FORM

(For use by Executive Secretariats when submitting an Action or Info Memo to S-10.)

09/05/2019

Action Office:

POLICY

Contact:

R. Howard Hill x60301

Subject:

"Inspection Finding Notifications per Section 7 of the Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2016 (Public Law 114-183)"

OST-P-190717-001

TIME SENSITIVE:



No

Justification:

Report due on the Hill by October 1, 2019

Action Office Executive Secretariat Approval:

		R. Howard Hill, P-40	W84-324	x6-0301
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