

# APGA

## *Pipeline Safety Monthly Regulatory Update*

February 2020

the voice and choice of public gas



## Proposed Rule

## Final Rule

## Direct Final Rules

Estimated  
NPRM  
Publication

Estimated  
Final Rule  
Publication

Effective  
Date

**Gas Regulatory Reform**

2020

**Gas Transmission Rule (Mandates)**

October 1, 2019

**Enhanced Emergency Order Procedures**

October 14, 2016

**Valve Installation & Rupture Detection**

February 6, 2020

Final Rule: October 1, 2019

**Standards Update - 2015 and Beyond**  
(will be 2 rules)

2020

**Gas Transmission Rule (Non-Mandates)**

July 2020

**Underground Storage**

January 17, 2017

Final Rule: February 12, 2020

**Class Locations**

June 2020

**Gas Gathering Rule**

July 2020

**LNG Rule**

March 2020

**Operator Qualification**

Delayed

*Note: Both of these rulemakings were first issued as “Direct Final Rules”, meaning they are currently in effect. However, now PHMSA has issued Final Rules that take into consideration industry’s comments that were submitted after the publication of the Direct Final Rules.*

# Final Rules

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



# Valve Installation and Minimum Rupture Detection Standards

## *Significant Rule*

Proposed Rule Published: February 6, 2020

Comments Due: **April 6, 2020**

### **Impacts to Distribution & Transmission Pipelines**

1. Definition of “Rupture”
2. Emergency Plans
3. Failure Investigation

### **Impacts to Transmission Pipelines (only)**

(new & fully replaced)

1. Installation of ASVs/RCVs
2. ASV / RCV operations & maintenance requirements

*Note: Additional details will be provided in the March 2020 Update and during the [February 24, 2020 APGA Webinar](#).*

Related Links:

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

# Safety of Gas Transmission & Gathering Lines

**Safety of Gas Transmission Pipelines, Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments**

*Requirements not associated with Congressional Mandates*

Estimated Final Rule Publication: July 2020

**Safety of Gas Gathering Pipelines**

Estimated Final Rule Publication: July 2020

# Safety of Gas Transmission & Gathering Lines

<b>August 25, 2011</b>	Publication of the Advanced Notice of Proposed Rulemaking	<a href="#">Federal Register Notice</a>
<b>April 8, 2016</b>	Publication of the Notice of Proposed Rulemaking	<a href="#">Federal Register Notice</a>
<b>July 7, 2016</b>	NPRM Comments Due	<a href="#">APGA Comments</a>
<b>January 2017 – March 2018</b>	PHMSA Gas Pipeline Advisory Committee (GPAC) Meetings	<a href="#">Meeting #1 - Presentations &amp; Voting Slides</a> <a href="#">Meeting #2 - Presentations &amp; Voting Slides</a> <a href="#">Meeting #3 - Presentations &amp; Voting Slides</a> <a href="#">Meeting #4 - Presentations &amp; Voting Slides</a> <a href="#">Post Meeting #4 - Industry Comments</a> <a href="#">Meeting # 5 - Presentations &amp; Voting Slides</a> <a href="#">Post GPAC Meetings - Industry Comments</a> <a href="#">Rule #1</a> <a href="#">Post GPAC Meetings - Industry Comments</a> <a href="#">Rule #2</a>
<b>February 2, 2019</b>	Industry Letter Supporting Publication of Mandates Rule	<a href="#">Industry Letter</a>
<b>October 1, 2019</b>	PHMSA Publishes Final Rule #1: MAOP Reconfirmation, Expansion of Assessments & Other Related Amendments	<a href="#">Federal Register Notice</a>
<b>October 31, 2019</b>	Industry Submits Petition <ul style="list-style-type: none"> <li>- Class Locations</li> <li>- MAOP Reconfirmation Applicability</li> </ul>	<a href="#">Industry Petition for Reconsideration</a> PHMSA's Response to Industry Petition

# Safety of Gas Transmission & Gathering Lines

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

**Note: Not  
included in  
Rule #1**

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

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

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

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

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

# Safety of Gas Transmission & Gathering Lines

## Topics Pertaining to Rule #2

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



# Additional Pending Final Regulations & Agency Actions

## National Pipeline Mapping System Update

Notice & Request for Comment – Published: April 11, 2019

Comment Deadline: May 13, 2019

\*Note: APGA did not provide comments on this notice due to the numerous comments already submitted on this proposal.

# Proposed Rules

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



# Gas Regulatory Reform

*Nonsignificant*

Rule Sent to OMB for Approval: October 21, 2019

Estimated NPRM publication date: Early 2020

## **From PHMSA:**

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

# Class Location Change Requirements

## *Significant Rule*

ANPRM Published: July 31, 2018

Estimated NPRM publication date: June 2020

## **Advanced Notice of Proposed Rulemaking**

### Summary

*“Operators have suggested that performing integrity management measures on (transmission) pipelines where class locations have changed due to population increases would be an equally safe but less costly alternative to the current requirements of either reducing pressure, pressure testing, or replacing pipe.”*

ANPRM Comments Due: October 1, 2018<sup>1</sup>

<sup>1</sup> APGA is coordinating with the other industry trade associations (INGAA, AGA, API) to file joint industry comments to the ANPRM.

# Additional Pending Regulations / Actions

**Standards Update Rule – 2015 and Beyond  
LNG for Small Facilities**

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

**Quality Management  
Public Awareness**

# Advocacy Actions Beyond Current Rulemakings

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



# Operator Qualification

## *Significant Rule*

NPRM Published: May 21, 2015

Comments Submitted: July 24, 2015

Estimated Final Rule Publication: **Delayed**

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

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

## **Related Links:**

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

[APGA Comments on Proposed Rulemaking](#)

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

# Operator Qualification

Topics addressed in the proposed rulemaking:

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

Language agreed upon during PHMSA GPAC Meeting:

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

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



# Operator Qualification

## *APGA Position:*

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

# Farm Tap Inspections

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

**Effective:** March 24, 2017

## **New Requirement:**

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

## **Related Links:**

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

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

# Farm Tap Inspections

## Post Final Rule Advocacy Actions:

### **1. Industry Comments to the Department of Transportation on Deregulatory Actions**

*A suggested deregulatory action for PHMSA.*

*Submitted: November 9, 2017*

### **2. Industry Comments to the Department of Transportation on Deregulatory Actions**

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

*Submitted: December 1, 2017*

### **3. PHMSA Discusses Farm Taps with Industry Stakeholders**

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

*May 7, 2018*

# Construction Inspection

*Miscellaneous Changes to the Pipeline Safety Regulations Rulemaking*

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

Final Rule Language:

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

## Related Links:

[NAPSR Resolution on Construction Inspection](#)

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

[APGA Comments on Proposed Rulemaking](#)

[PHMSA’s Final Rule](#)

[APGA Petition for Reconsideration](#)

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

# Construction Inspection

## Post Final Rule Advocacy Actions:

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

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

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

### ***APGA Petition Position:***

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

# Recently Published Rulemakings

*These rules have been finalized recently.*



# Safety of Gas Transmission & Gathering Lines

**Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments**

*Addresses Congressional Mandates*

Final Rule Publication: **October 1, 2019**

Effective Date: **July 1, 2020**

*See APGA's Briefing on the Safety of Gas Transmission Pipelines: MAOP Reconfirmation, Expansion of Assessments and Other Related Amendments*

<https://www.apga.org/viewdocument/apga-briefing-gas-transmission-man>

# Underground Storage

## *Final Rule*

IFR Published: December 19, 2016

Comments Submitted: February 17, 2017

Interim Final Rule Effective Date: January 18, 2017

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

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

**Final Rule Publication Date: February 12, 2020**

**Final Rule Effective Date: March 13, 2020**

## **Changes between the Interim Final Rule & Final Rule**

1. Incorporates API RP 1170 & 1171 without modification to the non-mandatory terms. Operators no longer have to justify why they are not incorporating the recommendations in the RPs.
2. Formalizes requirements and deadlines for operators to develop and implement their US IM programs.
  3. Applies the same requirements for solution-mined salt caverns.
  4. Narrows the scope of reportable events and changes at facilities.
  5. Revises the definition for “underground natural gas storage facility.”
6. Changes the name of the reporting portal to the “National Registry of Operators”

[Final Rule Link](#)



# Emergency Order Procedures

## *Final Rule*

Interim Final Rule Published: October 14, 2016

Final Rule Published: **October 1, 2019**

Final Rule Effective Date: **December 2, 2019**

## **Codifies PHMSA's Emergency Order Procedures**

*“These regulations establish procedures for the issuance of emergency orders to address an unsafe condition or practice, or a combination of unsafe conditions or practices, that constitute or cause an imminent hazard to public health and safety or the environment. The regulations describe the duration and scope of such orders and provide a mechanism by which pipeline owners and operators subject to, and aggrieved by, emergency orders can seek administrative or judicial review.”*

## **Related Links:**

[Final Rule](#)