



Texas Pipeline Association

Thure Cannon
President

December 5, 2018

U. S. DOT Docket Management System
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Re: Docket No. PHMSA-2011-0023; Safety of Gas Transmission and Gathering Pipelines

Dear Sir/Madam:

The Pipeline and Hazardous Materials Safety Administration (PHMSA) in 2016 proposed several changes to the existing regulations applicable to gathering lines in rural areas as part of its larger natural gas pipeline rulemaking. Those proposed changes have elicited fairly consistent comments from the Independent Petroleum Association of America (IPAA) and the Texas Pipeline Association (TPA). As PHMSA prepares to present its proposed response to comments in the pending rulemaking to the Gas Pipeline Advisory Committee (GPAC), IPAA and TPA suggest a path forward as described herein. The proposed path forward would ensure rural, larger diameter, high-pressure gas gathering lines for which PHMSA has expressed concern would meet certain, minimum requirements going forward. It would provide an initial step in addressing the risk of rural gathering pipelines by expanding the scope of regulated gathering while also providing additional information on gathering pipelines to assist future regulatory initiatives.

The shale revolution has generally resulted in the construction and operation of a greater amount of larger diameter, higher-pressure gathering pipelines than traditionally experienced with conventional production. While little data has been publicly collected on these new gathering pipelines in rural locations, there has been a growing desire by regulators to take some initial steps to enhance the regulation of these larger diameter, higher-pressure pipelines that are not covered by the existing regulations.

Recognizing these changes and PHMSA's desire to regulate these larger diameter gathering lines in rural areas through the pending rulemaking, IPAA and TPA wish to offer a three-part proposal that would achieve the goals of PHMSA through the currently pending rulemaking.

IPAA and TPA respectfully suggest that PHMSA move forward to enhance the safety regulation of gathering pipelines by 1) subjecting those gathering lines greater than 16" in diameter with a maximum allowable operating pressure generating a hoop stress of 20 percent or more of specified minimum yield strength (SMYS) located in Class 1 and Class 2 locations to the existing requirements of Type B pipelines; 2) collecting additional information relating to all gathering lines through abbreviated annual reports and incident reporting; and, 3) reconfirming the use of the American Petroleum Institute Recommended Practice 80 (RP 80) existing definition of gathering and those limitations found in 49 C.F.R. 192.8. These simple changes will ensure that larger diameter gathering pipelines in rural areas meet certain minimum design, construction and operational requirements, while also providing regulators with additional data which will inform future regulatory requirements. IPAA and TPA also suggest that these newly regulated gathering pipelines be referred to as Type C lines for greater clarity. That terminology is used in the suggested regulatory language provided herein.

The current proposal put forward by PHMSA as a part of the pending rulemaking seeks to regulate rural gathering pipelines greater than eight-inches in diameter. However, there is no record justification for this significant increase to the scope of the pipeline safety regulations. Further, IPAA and TPA believe that such an increase in scope is impractical because of regulators' inability to provide effective enforcement on the newly regulated pipelines.

Rather, PHMSA and the pipeline industry should focus on the application of the requirements of Type B lines to rural gathering lines greater than 16" in diameter. This represents a reasonable and measured application of regulation to the larger diameter gathering pipelines and provides for the acquisition of meaningful incident data on all gathering lines. The requirements extended to the larger diameter lines include:

- (1) If a line is new, replaced, relocated, or otherwise changed, the design, installation, construction, initial inspection, and initial testing must be in accordance with requirements of 49 C.F.R. 192 applicable to transmission lines;
- (2) If the pipeline is metallic, control corrosion according to requirements of 49 C.F.R. 192 subpart I applicable to transmission lines;
- (3) A damage prevention program under §192.614;
- (4) A public education program under §192.616;
- (5) Establishing the MAOP of the line under §192.619;
- (6) Installing and maintaining line markers according to the requirements for transmission lines in §192.707; and,
- (7) Conducting leakage surveys in accordance with §192.706 using leak detection equipment and promptly repair hazardous leaks that are discovered in accordance with §192.703(c).

This can be accomplished by adding the following language to the existing code:

Adding the following to the chart in 192.8:

<p>C—Metallic greater than 16-inches in diameter and the MAOP generates a hoop stress of 20 percent or more of SYMS or a plastic pipe operating at greater than 125 psi.</p> <p>As an alternative to calculating and documenting the percentage of SMYS, any metallic line of greater than 16-inches operating at a maximum pressure of 125 psi or more may be used as the threshold for determining whether a line is treated as Type C.</p>	<p><i>Class location 1 or where a pipeline in a Class 2 Location is not covered by the parameters of Type B lines.</i></p>	<p>Not applicable</p>
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§192.9 What requirements apply to gathering lines?

(d) *Type B and C lines.* An operator of a Type B or C regulated onshore gathering line must comply with the following requirements:

(e) The operator of a Type C regulated onshore gathering line is required to establish an emergency plan and related requirements required under 192.615.(e)

(f) *Compliance deadlines.* An operator of a regulated onshore gathering line must comply with the following deadlines, as applicable.

Lastly, we understand that some in industry have requested a provision be included within the final rule that would provide further flexibility to industry in the event they are not able to comply with a provision of the requirements adopted for the expanded scope of the rule. Provisions of this nature have already been included in the public awareness and underground storage sections of code and have been supported at previous meetings of GPAC concerning other aspects of the natural gas gathering and transmission rulemaking.

A provision of this nature would include language like the following:

An operator may seek a no objection letter from PHMSA and/or the appropriate state agency for a deviation from a regulatory requirement based on technical justifications that compliance with all or certain provisions is not practicable and not necessary for safety with respect to the pipeline segment or system. The letter must be submitted by a senior executive officer, vice president, or higher office with responsibility of the natural gas gathering facility. If an operator does not receive a no objection letter from PHMSA within 90 days of notifying PHMSA of the request, the operator can proceed. PHMSA will notify the operator if additional review time is needed.

The foundation of pipeline safety regulatory requirements has always been performance driven— applying requirements in areas known to have caused, or resulted in, historical failures. While PHMSA has been shifting to risk-based regulation, that type of regulation requires data. The limited approach proposed by TPA and IPAA provides an initial regulatory step while PHMSA obtains the information needed to support additional regulation targeting documented issues in

the future. For this reason, it is appropriate for PHMSA to begin formally collecting certain, limited information, for the purpose of identifying the characteristics of rural gathering pipelines and the incidents arising from the operation of such rural pipelines, when known. The information collected can be helpful in identifying and ultimately targeting those lines found to pose a higher-level risk in the future. Industry has supported additional data collection dating back as early as 2003 and remains committed to such actions today.

The definition of gathering has been debated for decades. However, the current reference to RP 80 in regulation by PHMSA, in combination with the limitations placed on certain beginning and endpoints, has been in place for more than a decade. There has been no justification provided or circumstances that warrant such a profound change that have occurred that would render RP 80 obsolete or less appropriate to use when determining the beginning and endpoints of production and gathering for diverse operations in multiple basins across the United States. For this reason alone, the existing policy outlined in 49 C.F.R. 192.8 should remain in place. In the event additional changes are necessary, a dialog between industry stakeholders and regulators should occur to better understand the impacts of such changes and the potential unintended consequences.

We would also like to take this opportunity to reinforce industry's concerns regarding the applicability of other proposed provisions of the pending rulemaking to regulated gathering lines. PHMSA has committed to exempt regulated gathering lines from these requirements, which include, but are not limited to maximum allowable operating pressure, hydrostatic spike tests, certain recordkeeping requirements and an expansion of integrity management requirements, just to name a few.

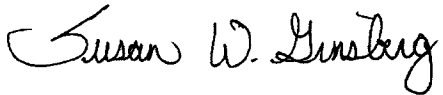
In closing, we reiterate that these positions have been consistently supported by industry, including through the extensive comments filed to the docket in July of 2016. During the comment period for the current rulemaking, multiple organizations supported these positions through comments provided on the record. As individual associations as well as a collective group, we want to reinforce our united position on these issues to PHMSA prior to the GPAC meeting in January.

If you have questions, need additional support or desire to discuss these issues further, please contact Ms. Susan Ginsberg with IPAA (202-857-4728) or Mr. Charles Yarbrough with TPA (214-206-2809).

Thank you in advance for your continued commitment to public and environmental safety, focus on these issues, and consideration of the industry's three part approach to regulating these large diameter gathering lines.

Respectfully submitted,

INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA

By: 
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TEXAS PIPELINE ASSOCIATION

By: 
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