



Distribution Specific Provisions – Response to Merrimack Valley Incident

Updating Distribution Integrity Management Plans. **Within 2 years**, PHMSA will require DIMP plans to include an evaluation of risks that could lead to over-pressurization. Operators must consider factors other than past observed abnormal operating conditions and avoid “zero” risk rankings unless supported by engineering or operational knowledge. Operators will make significant DIMP updates available to PHMSA/state authorities within 60 days. PHMSA and states have 2 years to review updated plans and PHMSA may conduct proceedings if an updated plan is inadequate. (Section 202)

Eliminated – Operators to submit DIMP, emergency response and O&M plans to PHMSA/states.

Updating Emergency Response Plans. **Within 2 years**, PHMSA will require operator emergency response plans to include written procedures for communicating with first responders, public officials, and the public as soon as practicable after confirmed discovery of an incident that results in a fire related to an unintended release of gas, explosion, or fatality, or an unscheduled release of gas and shutdown of gas service to a significant number of customers. (Section 203)

Eliminated – Establish communication within 30 minutes of incident.

Update O&M Plans. **Within 2 years**, PHMSA will require O&M manuals include procedures for (1) responding to possible over-pressurization, including actions and an order of operations for immediately reducing pressure in or shutting down portions of the system; and (2) “management of change” applied to technological, construction, equipment, and organizational changes to distribution system operations and ensure qualified personnel review and certify construction plans. (Section 204)

Eliminated – MOC for all changes to the distribution system; “relevant employees” to review construction documents for accuracy, completeness, and correctness, **expanded qualified personnel definition to extend outside of professional engineers.**

Pipeline Safety Management Systems (PSMS). **Within 3 years**, PHMSA will report to Congress on operator PSMS progress and ways PHMSA could encourage further adoption. PHMSA and state authorities will assess existing operator PSMS frameworks and promote PSMS adoption industry wide. (Section 205)

Eliminated – Mandated PSMS.

Pipeline Safety Practices. (Section 206)

Records. **Within 2 years**, PHMSA will require distribution operators to identify and manage traceable, reliable, and complete records critical for proper pressure controls and ensure these records are accessible to personnel responsible for relevant construction or engineering work.

Modified: Originally “traceable, reliable, complete, and up to date” records beyond pressure controls

Eliminated: Covered tasks approved by “professional engineer.”

Qualified Employees. **Within 180 days**, PHMSA will require at least one individual to monitor gas pressure and have the capability to shut down gas flow or control over-pressurization during construction activities (some exceptions).

District Regulatory Station Upgrades. **Within 1 year**, PHMSA will require operators to assess and **as necessary**, upgrade district regulator stations to minimize risk of over-pressurization from common-mode-of-failure, monitor low pressure system gas pressure at or near the location of critical pressure-control equipment, and ensure regulator stations have secondary or backup pressure relief or over-pressure protection technology. Where regulator stations employ primary-and-monitor regulator design, regulation will seek to eliminate common-mode-of-failure or provide backup protection capable of either shutting off or relieving gas, or other means. If PHMSA determines an operator cannot implement these regulations, the operator must identify actions minimizing the possibility of over-pressurization.

Modified: Originally required eliminating all common-modes-of-failure and stations to have monitoring that provides constant awareness of gas pressure and additional pressure relieving technology.

Additional Relevant Provisions

Pipeline “Safety Enhancement Testing Program.” Allows PHMSA to evaluate innovative pipeline safety technologies and operational practices under certain parameters. Testing programs must have limited impact on pipeline infrastructure, avoid high population areas, **high consequence areas, or an unusually sensitive area, and** last no more than 3 years, and be designed to achieve a higher level of safety than current conditions. (Sections 104/105)

Self-Disclosure. Allows PHMSA to consider self-disclosure and correction of violations, or actions to correct a violation prior to discovery, as mitigating factors when determining penalties. (Section 107)

Due Process Protections in Enforcement Proceedings. Creates procedures allowing a respondent in a PHMSA enforcement or regulatory proceeding to request a hearing, outlines post-hearing procedures for enforcement/implementation, and outlines parameters for public access to proceedings. (Section 108)

Idled Pipe. **Within 2 years, PHMSA will update regulations for idled pipelines.** Defines “idled pipe,” directs PHMSA and states to inspect idled pipe to confirm purging of combustibles, and directs PHMSA to require inspection via ILI, hydrotest, or comparable technology/ practice prior to resuming operation. (Section 109)

Modified: *Originally limited to inline inspection testing and did not allow for the use of other comparable technologies to be applied to idle pipelines being placed back into service.*

Large LNG Facilities. Specific to large-scale, not peak shaving, LNG facilities.

Safety Procedures: PHMSA to update O&M standards to create risk-based approach. Operators to submit O&M plans for approval. Includes larger civil penalty, additional enforcement actions. (Section 110)

Facility Reviews: Cost recovery will be allowed for large LNG facility reviews. (Section 103)

Center of Excellence: Allows PHMSA to create new National Center of Excellence for LNG Safety, subject to availability of funds. (Section 111)

Prioritization of Rulemaking: **Within 90 days, PHMSA to publish Part 2 of Transmission Rule. (Section 112)**

Pipeline Repair/Methane Release. PHMSA will require leak detection/repair programs to consider the environment, use advanced leak detection technologies/practices, and the repair/replacement of all leaking pipe, except pipe with a leak so small it poses no potential hazard. Leak detection/repair programs must be able to identify, locate, and categorize all leaks that are hazardous to human safety or the environment, or can become hazardous to human safety. Advanced leak detection allows scenarios to use practices that depend on human senses. (Section 113)

Eliminated: *Repair of every leak, use of a very specific technology, continuous monitoring of system.*

Inspection & Maintenance Plans. **Within 1 year, operators to** update plans to include protection of the environment and replacement or remediation of pipe known to leak. (**NOTE: Does not require rulemaking**)

Oversight: Plans to be reviewed by PHMSA/state within 2 years from enactment and every 5 years thereafter. Within one year after review of plans, Comptroller General will submit report to DOT/Congress on evaluation of procedures used by PHMSA/states to review operator plans and how to further minimize leaks. Within 90 days of Comptroller General report, DOT will issue a response to Congress.

Technologies: Within 18 months, DOT will report to Congress on technologies/practices to prevent or minimize release of gas during planned repair/replacement or maintenance, venting/blowdowns, and pipe designs that minimize need to intentionally vent. Within 180 days from report, PHMSA will update regulations it determines are necessary to protect the environment without compromising safety. (Section 114)

Pipeline Class Location. Within 1 year, PHMSA will review comments to recent ANPRM, determine whether to move forward a proposed rule, and consider previous report to Congress. (Section 115)

Modified: Originally not included in scope. This allows for the use of integrity management principles as a way for operators to manage class location changes.

Cost-Benefit Addition. Ensures that environmental and safety concerns are considered as part of PHMSA's pre-rulemaking cost-benefit analysis process. (Section 118)

Modified: Originally removed the highly useful PHMSA cost benefit analysis (which includes industry, pipeline safety, and public input) of proposed regulations. Industry fought back and the process remains.

Automatic and Remote-Controlled Shut-Off Valves. National Academy of Sciences will study and report to Congress on methods or standards for the installation of ASVs and RCVs on existing transmission lines in high consequence areas (other provisions for liquid). The study will consider NTSB recommendations on ASVs/RCVs, existing regulations, methods that maximize safety and environmental benefits, and the economic, technical and operational feasibility of installing ASVs/RCVs on existing pipe. (Section 119)

Eliminated: A self-executing provision (no rulemaking) that would have required operators to replace existing transmission valves with ASVs/RCVs.

Safety Related Condition Reports. Within 5 business days, operators to submit Safety Related Condition Report to DOT, appropriate state authority, and appropriate Tribe where the event occurred. (Section 121)

Study on Direct Assessment for Distribution Pipelines. PHMSA will study and report to Congress on methods, other than DA, that may be used for distribution integrity assessments and determine whether any such method provides a greater level of safety than DA and is feasible. (Section 122)

Eliminated: Initial bill language sought to eliminate DA as a transmission pipeline safety inspection tool.

Additional Provisions Removed or Modified from Final Bill

Civil Penalties: Original language boosting civil penalties on operators **ten-fold** were removed.

Criminal Designation. Early drafts sought to change the criminal standard from "willingly and knowingly" to an all-too-broad standard of "recklessly." That was removed and the standard remains unchanged.

Mandamus (Sue and Settle). Provisions making it easier for states and localities to sue PHMSA on pipeline safety matters, and thereby potentially impacting pipeline safety in a hodge-podge fashion nationally, were removed early in the negotiating process.

Requiring PHMSA to Coordinate with EPA on Regulations. Would have allowed EPA to gain an unnecessary, unneeded, and ultimately confusing foothold in pipeline safety law and subsequent regulation.

Testing of Existing Transmission Pipelines. Original language required all existing transmission pipelines to be hydrostatically tested, including the use of a spike test.

Transmission Integrity Management. Original language applied the current "verification of records" and "testing regulation" requirements beyond HCAs.

National Pipeline Mapping System. Original language required distribution operators to submit maps and records on existing distribution pipelines into PHMSA's National Pipeline Mapping System.

Pipeline Safety Information Grants to Communities. Eliminated a change that would have allowed grant funding to come from pipeline user fees.