

NARUC National Conference of Regulatory Attorneys 2024

May 6, 2024



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

PHMSA: Your Safety is Our Mission



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**Pipeline and Hazardous Materials
Safety Administration**



OPS Leadership



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Associate Administrator for
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Deputy Associate Administrator for
Pipeline Safety – Policy & Programs



PHMSA's Safety Mission



To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives.



2024 OPS Priorities

Continuous Improvement in Pipeline Safety



Safety and Environmental Accountability



OPS National Priorities

People



Effective Use of Data and Information



Infrastructure of the Future Safety



PHMSA Regulated Pipeline Facilities OPS and States

Pipeline Facilities by Regulation and System Types – CY 2023 Annual Reports				
Safety and Reporting Regulated		Miles	% Miles	# Operators
Hazardous Liquid/CO₂¹		229,443	8%	566
Gas Transmission		300,084	10%	1,022
Gas Gathering		110,770	4%	490
Gas Distribution		2,312,189	78%	1,246
subTotal		2,952,486		
Reporting-Regulated-Only		Miles	% Miles	# Operators
Hazardous Liquid¹		37,363	13%	127
Gas Gathering		248,216	87%	509
subTotal		284,893		
Total		3,238,065		

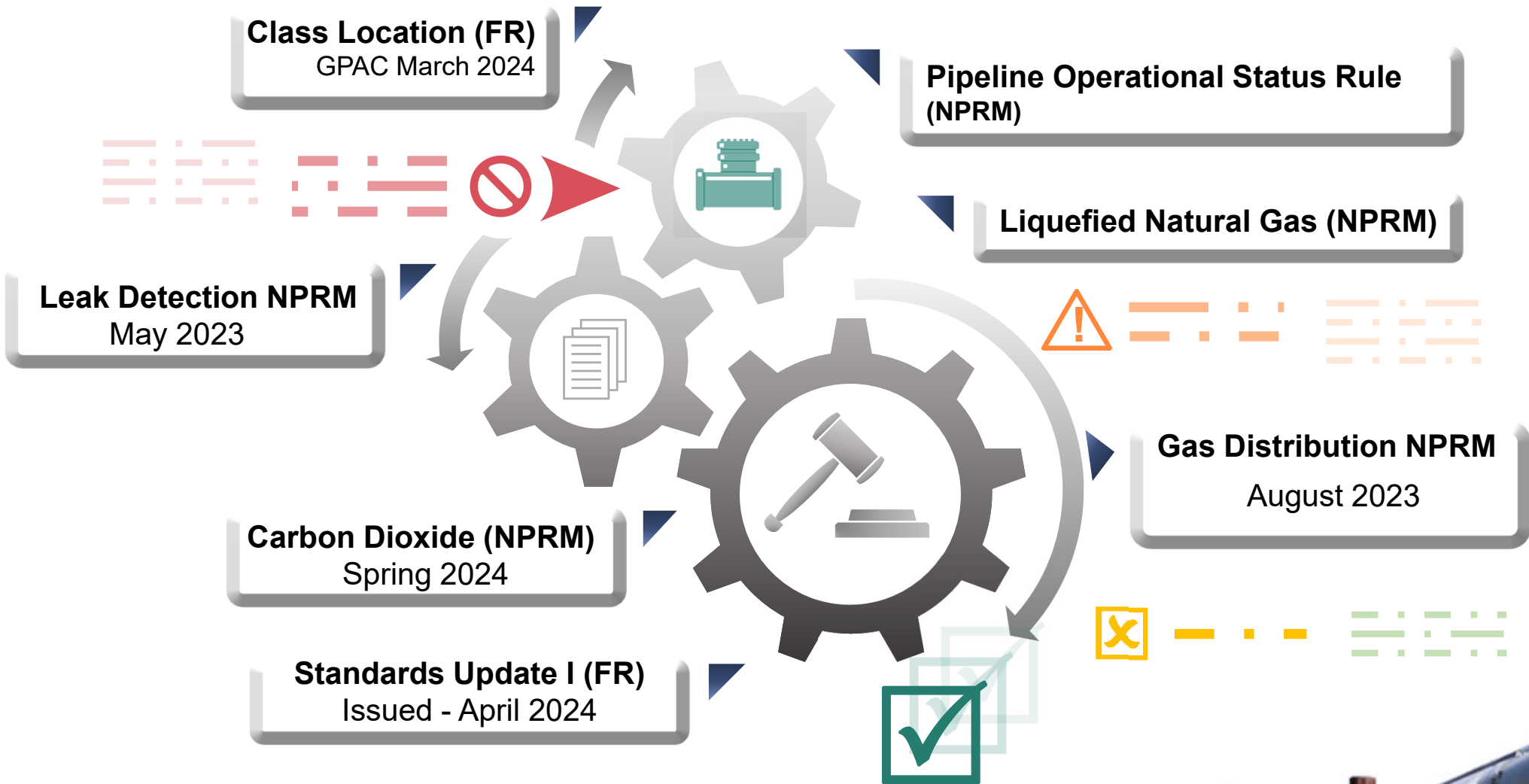
Hazardous Liquid Breakout Tanks¹	8,541 Tanks, 246 Operators
Liquefied Natural Gas	172 Plants, 258 Tanks, 93 Operators
Underground Natural Gas Storage	398 Facilities, 16,362 Wells, 128 Operators

¹ CY 2022 data. Hazardous Liquid/CO₂ annual reports are due on June 15, 2024.

Data as-of 3-25-2024



Current Regulatory Agenda



Rulemaking Timing

PIPES ACT 2020 WEB CHART

Rule Title/Subject/Docket No.	RIN	Rule Stage	Legislation	Description of Work Plan	Rulemaking Timeline (*actual date)		OST Date for Completing Review (45 days)	Date(s) Sent back to PHMSA		Current Staff PHMSA/OST Allocation **	Resource Constraints Affecting Process in PHMSA/ OST	OMB Date for Completing Review (90 days) (reginfo.gov)	Additional Details Affecting Rulemaking	Additional Comments on Rulemaking Status
					To OST	To OMB		FR Pub	FR Pub					
OPS: Gas Pipeline Leak Detection	2137-AF51	NPRM	PIPES Act 2020 Sec 113	Hold GPAC meeting	To OST	10/28/22* 2/13/23* 5/18/23*	12/14/22	11/25/22 1/09/23 1/20/23	12/22/22 1/19/23 1/25/23	8 staff PHMSA 5 staff OST	YES	5/15/2023	PHMSA held public meetings May 5-6, 2021, and February 17, 2022.	The NPRM published in the Federal Register [88 FR 31890] on 5/18/2023. GPAC meeting held week of November 27, 2023. Additional GPAC meeting scheduled for week of March 25 th . Comment period closed on August 16, 2023.
OPS: Safety of Gas Distribution Pipelines	2137-AF53	NPRM	PIPES Act 2020; Leonel Rondon Act Sec 202, 203, 204, and 206	Hold GPAC meeting	To OST	2/14/23* 4/18/23* 9/7/23*	4/10/23	2/27/23 3/15/23	3/14/23 3/21/23	8 staff PHMSA 5 staff OST	YES	7/18/2023		The NPRM published in the FR on 9/7/2023. Comment period closed 11/6/2023.
OPS: Amendments to Liquefied Natural Gas Facilities	2137-AF45	NPRM	PIPES Act 2016 Sec 27; PIPES Act 2020 Sec 110	Complete NPRM	To OST	5/03/24 6/17/24 9/30/24				8 staff PHMSA 5 staff OST	YES			
OPS: Class Location	2137-AF29	Final Rule	PIPES Act 2020 Sec 115	Hold GPAC meeting	To OST	8/1/24 9/13/24 12/30/24				8 staff PHMSA 5 staff OST	YES			NPRM published in FR on 10/14/2020. Comment period closed 12/14/2020; GPAC meeting scheduled for week of March 25th.
OPS: Pipeline Operational Status	2137-AF52	NPRM	PIPES Act 2020 Sec 109	Complete NPRM	To OST	8/1/24 9/13/24 12/30/24				8 staff PHMSA 5 staff OST	YES			
OPS: Carbon Dioxide and Hazardous Liquid Pipelines	2137-AF60	NPRM	Pipeline Safety Act 2011 Sec 15	Complete NPRM	To OST	12/13/23* 2/1/2024* 5/10/24	1/27/24	1/8/24 1/16/24 1/23/24	1/12/24 1/23/24 1/31/24	8 staff PHMSA 5 staff OST	YES	5/1/2024		Public meeting held May 31 – June 1, 2023.

**Staff allocations listed in this chart identify the total number of persons assigned to each rulemaking project. However, PHMSA and DOT staff are often assigned to multiple rulemaking teams and have additional tasks that prevent them from working full-time on a single rulemaking project. Workplan Projected Completion Dates based on currently available information.

ACRONYMS used: OPS - Office of Pipeline Safety; FR - Federal Register; OST - Office of the Secretary of Transportation; OMB - Office of Management and Budget; IFR - Interim Final Rule; NPRM - Notice of Proposed Rulemaking; ANPRM - Advance Notice of Proposed Rulemaking; GPAC - Gas Pipeline Advisory Committee; LPAC - Liquid Pipeline Advisory Committee; FR Pub - Federal Register Publication Date.

[PIPES Act Web Chart | PHMSA \(dot.gov\)](#)



Reauthorization 2023/2024?

- Multiple Congressional Oversight Committees
 - Two House and one Senate committee
 - Two bills have been introduced so far
 - H.R. 6494, the Promoting Innovation in Pipeline Efficiency and Safety (PIPES) Act of 2023 (T&I, Dec 2023)
 - H.R. 7655, the Pipeline Safety, Modernization, and Expansion Act of 2024 (E&C, March 2024)
 - Senate Commerce, Science and Transportation Committee bill pending



Reauthorization 2023/2024?

- **Topics**

- a. Voluntary Information-sharing System
- b. Extension of NGDISM (BIL) Grant Program
- c. Excavation damage prevention provisions
- d. Gaseous CO₂ and transportation related storage
- e. Technology Pilot Programs
- f. Office of Public Engagement
- g. Opportunity for formal hearing
- h. Liquefied natural gas regulatory coordination
- i. Pipeline information sharing with the public
- j. Notification of chapter 7 or 11 of title 11, USC filing
- k. Many other provisions



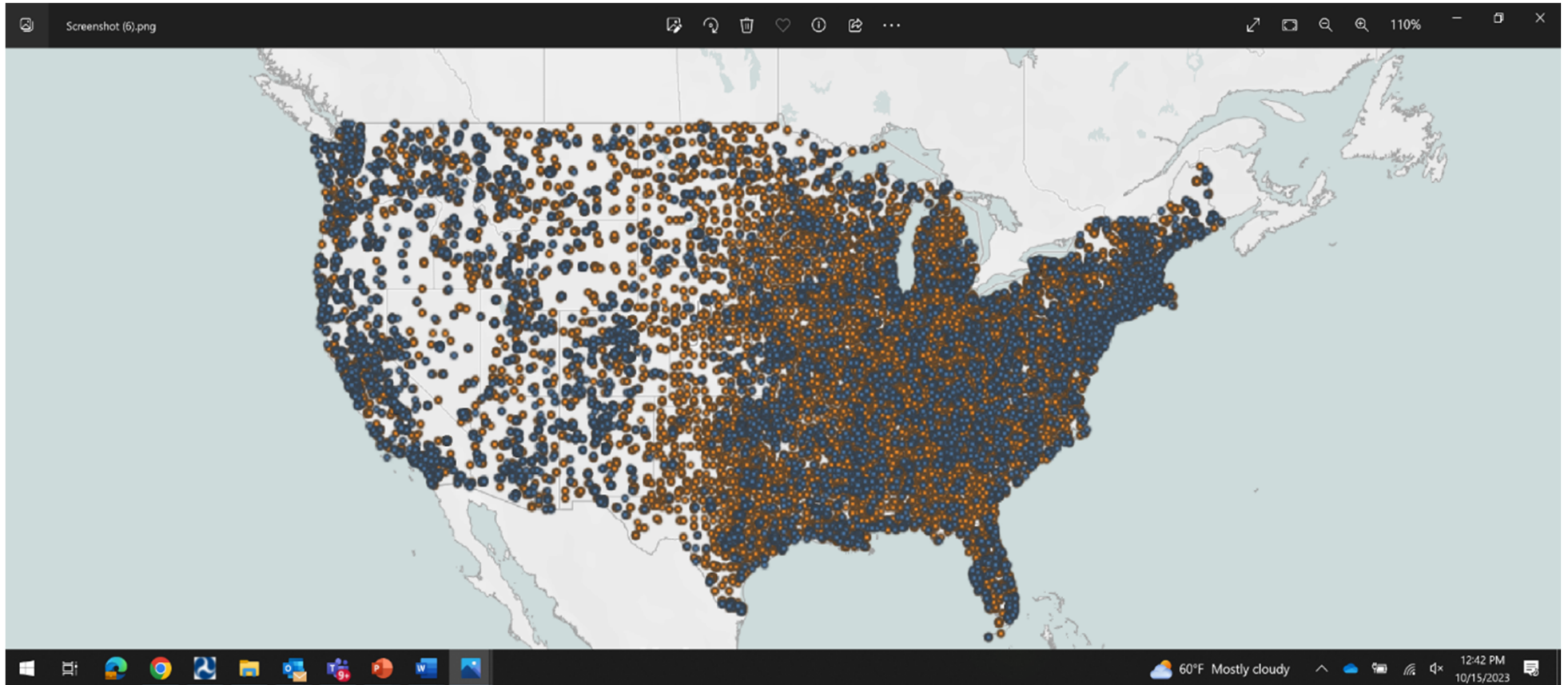
Bipartisan Infrastructure Law (BIL)

The BIL provides up to \$973 billion over five years for:

- Roads, bridges, and bicycle and pedestrian safety (\$350 billion)
- Public transit and rail (\$210 billion)
- Transportation projects of national, regional and local significance (\$30 billion)
- Ports, airports and waterways (\$42 billion)
- Water infrastructure (\$91 billion)
- Broadband (\$65 billion)
- Clean energy and power infrastructure (\$65 billion)
- Resilience and environmental remediation (\$71 billion)
- Pipeline repair, rehabilitation and replacement (\$1 billion)



Bipartisan Infrastructure Law (BIL) Dashboard



<https://d2d.gsa.gov/report/bipartisan-infrastructure-law-bil-maps-dashboard>



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Gas Distribution Significant Incidents 2023

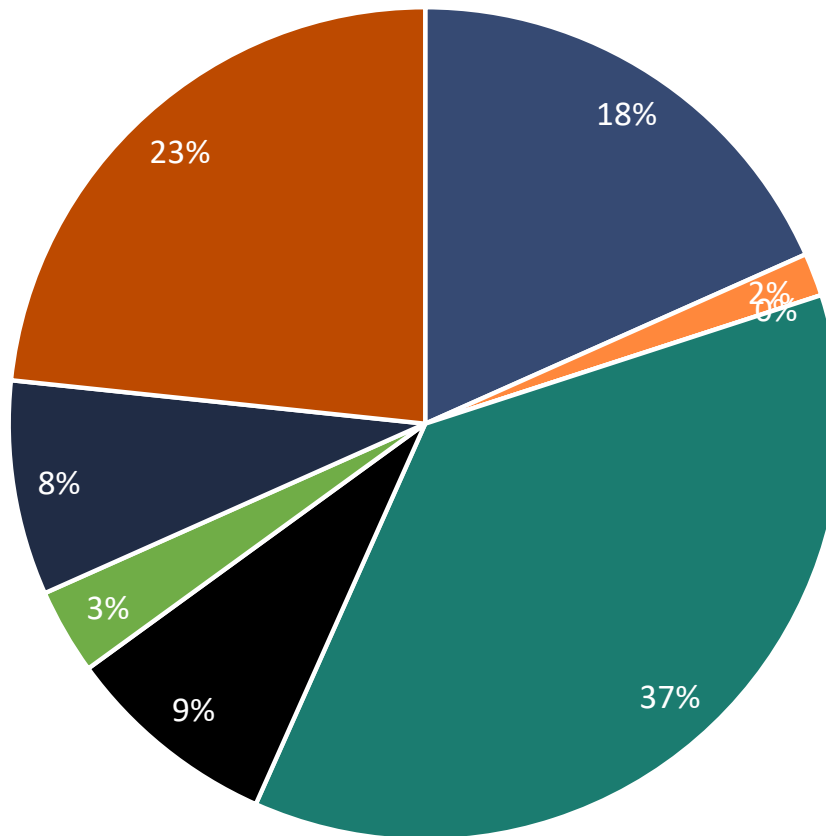
Leading Causes:

Excavation Damage – Third Party

Other Outside Force Damage – Vehicular Damage

Incorrect Operation

Data as-of 3-22-2024



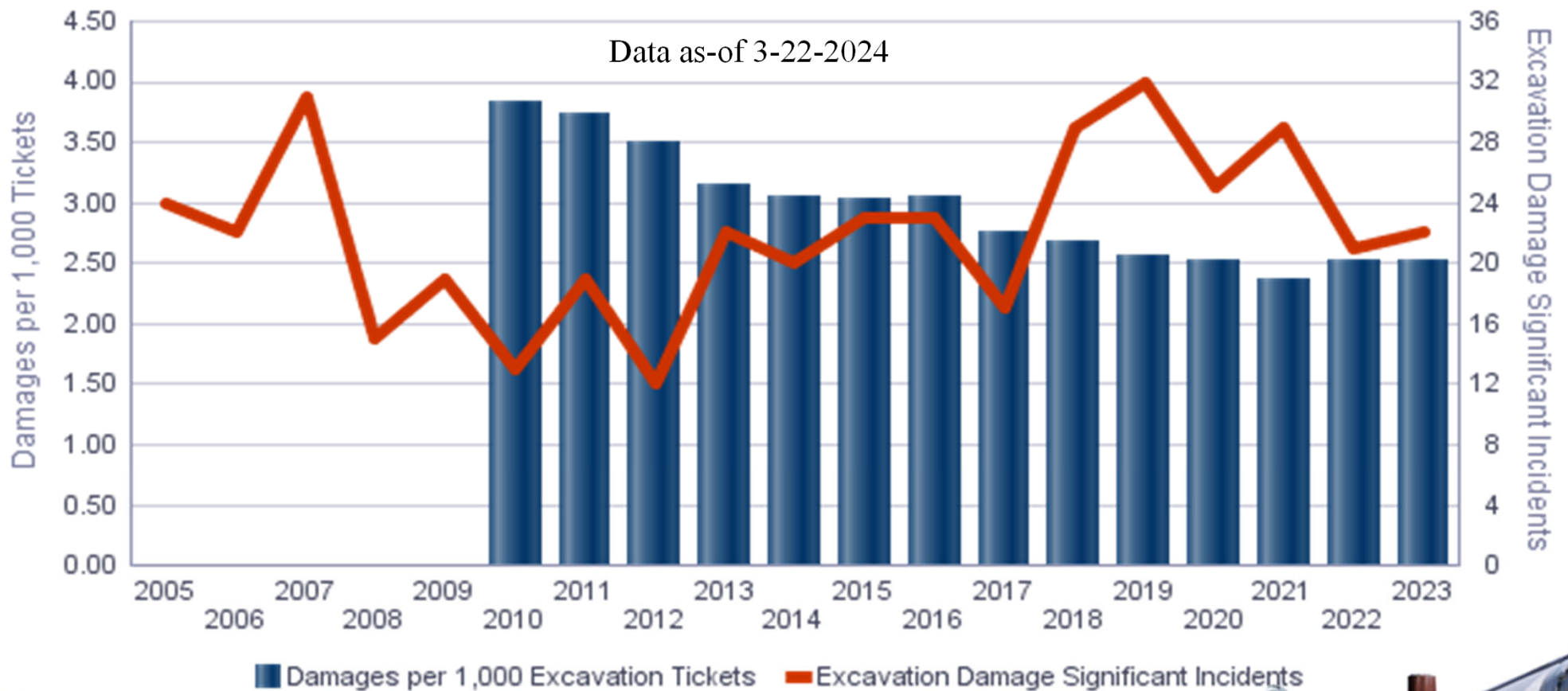
- ALL OTHER CAUSES
- CORROSION
- EQUIPMENT FAILURE
- EXCAVATION DAMAGE
- INCORRECT OPERATION
- MATERIAL FAILURE OF PIPE OR WELD
- NATURAL FORCE DAMAGE
- OTHER OUTSIDE FORCE DAMAGE



Gas Distribution Excavation Damage 2005-2023

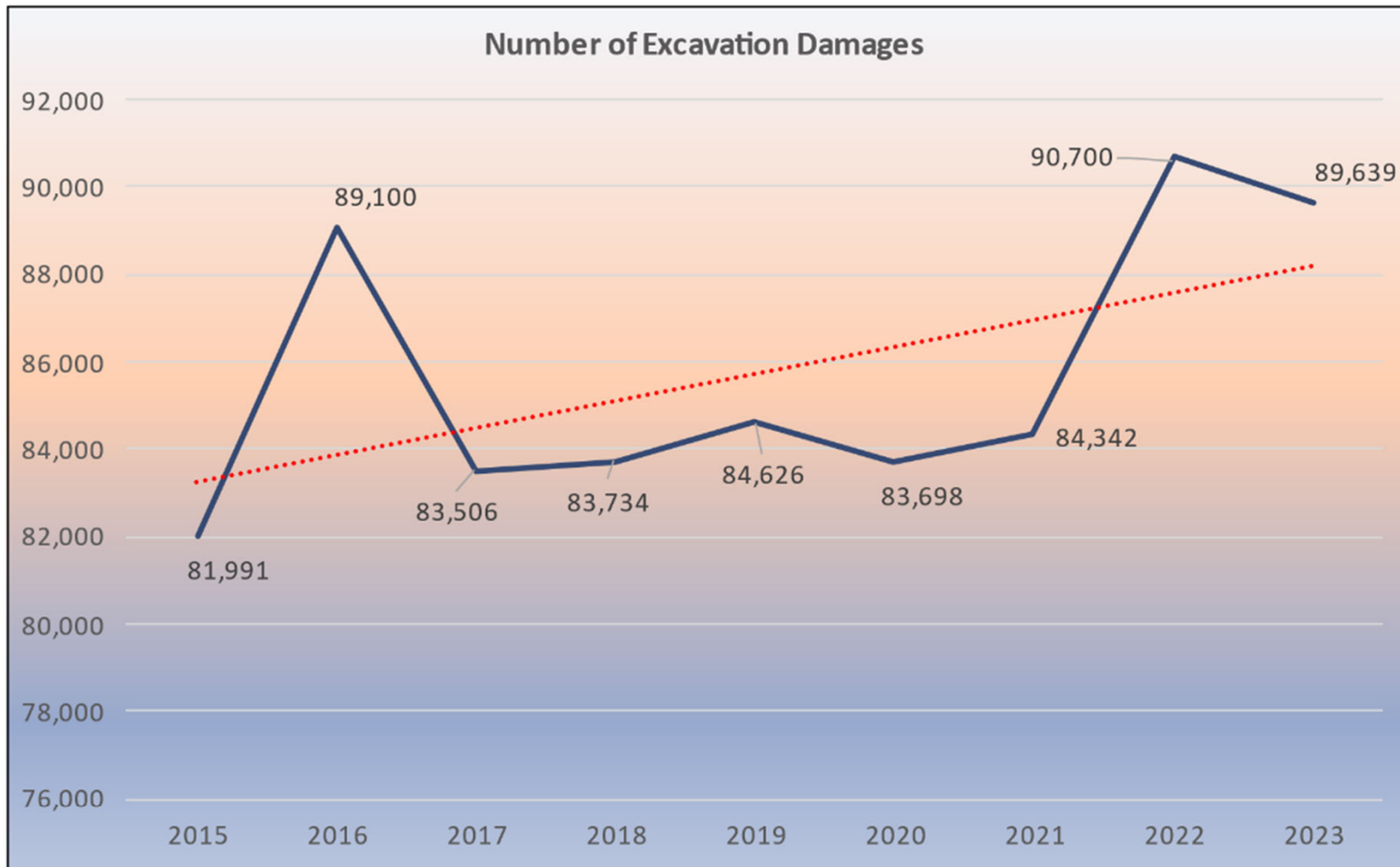
Number of **Significant Incidents** caused by **Excavation Damage** has fluctuated since 2005 but trending upwards since 2012

Damages per 1,000 Tickets has decreased 34% since 2010



Pipeline Excavation Damages

Excavation Damage to Gas Distribution not Improving



Grants to Support Damage Prevention

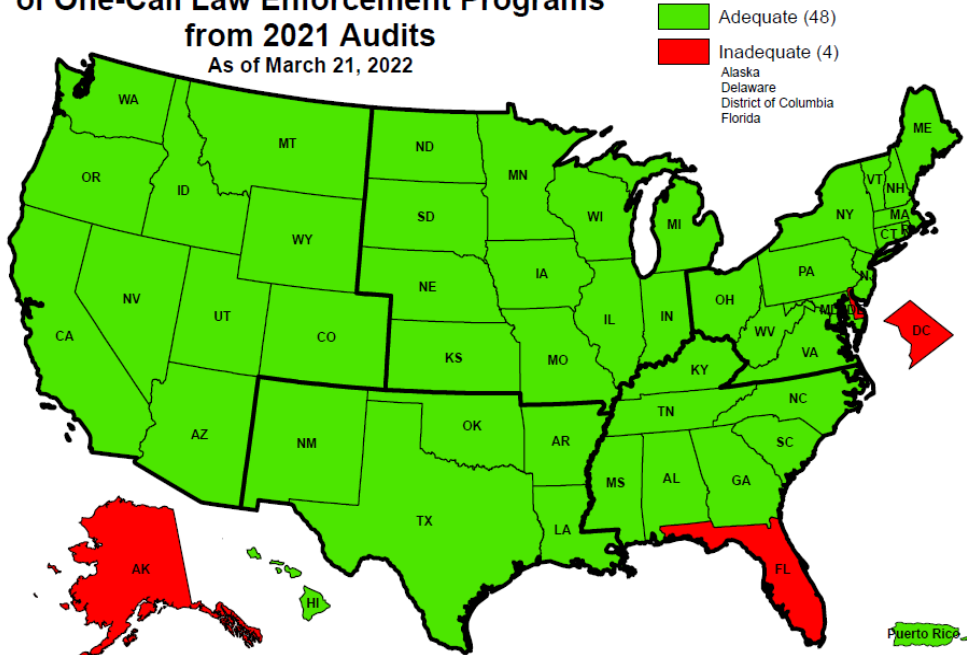
- Technical Assistance Grants - \$2.0 million
- State Damage Prevention Program Grants - \$1.5 million
- One-Call Grants - \$1.06 million
- States Base Grants - \$82.0 million



Adequacy Map 2021 - 2022

Determinations of Adequacy of One-Call Law Enforcement Programs from 2021 Audits

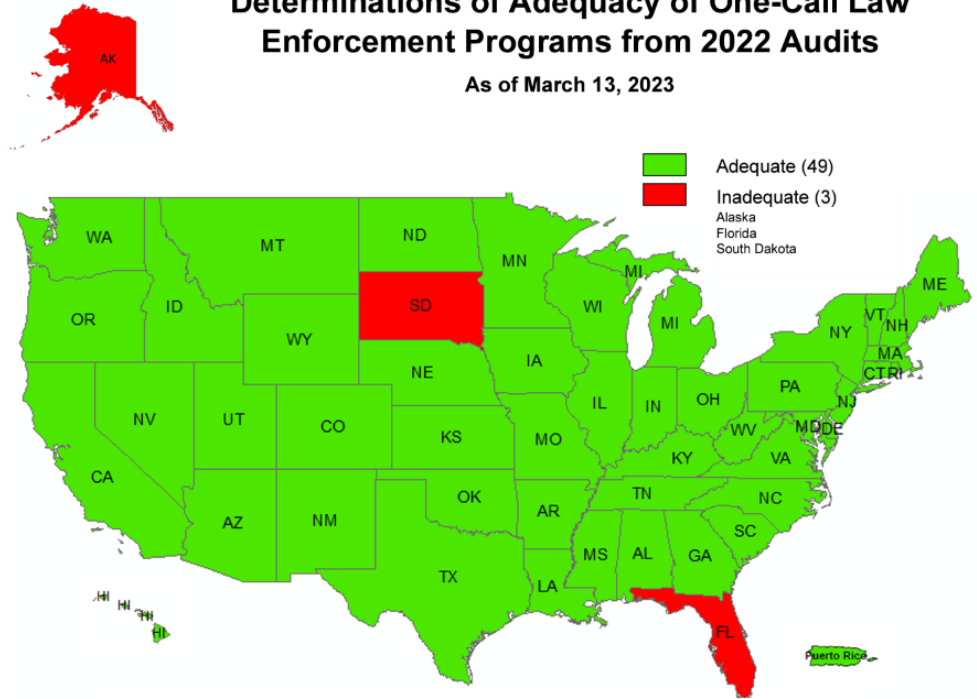
As of March 21, 2022



Map produced March 21, 2022 by the U.S. Department of Transportation (U.S. DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA)
 Map provided as a reference only. PHMSA makes no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability or availability with respect to this map for any purpose. PHMSA expressly disclaims liability for errors and omissions in the contents of this map.

Determinations of Adequacy of One-Call Law Enforcement Programs from 2022 Audits

As of March 13, 2023

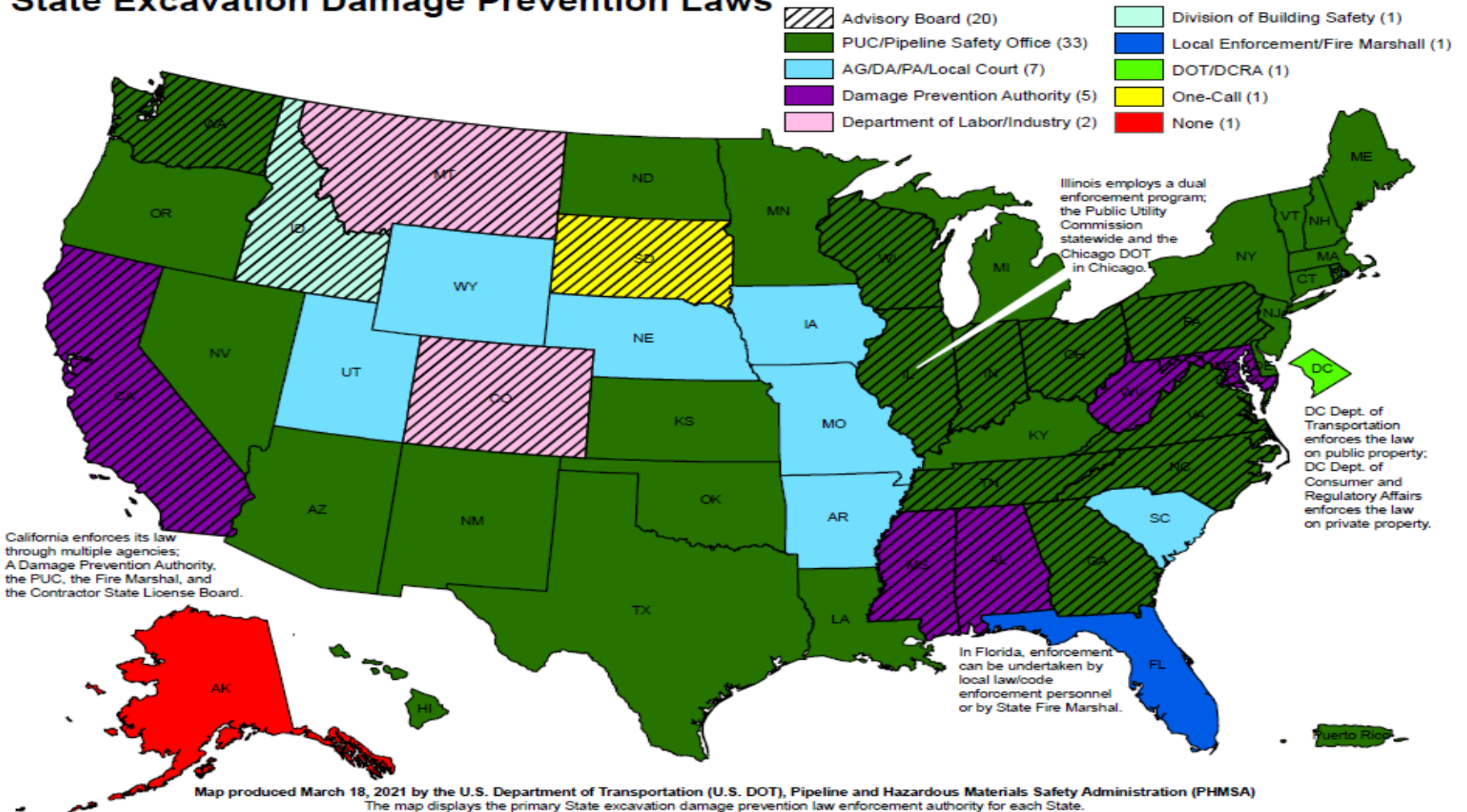


Map produced March 13, 2023, by the U.S. Department of Transportation (U.S. DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA). Map provided as a reference only. PHMSA makes no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability or availability with respect to this map for any purpose. PHMSA expressly disclaims liability for errors and omissions in the contents of this map.



Enforcement

Organizations with Enforcement Authority for State Excavation Damage Prevention Laws



Safety Management Systems



- Regulations alone will not help us reach *zero incidents*.
- **SMS is the key to closing the safety gaps that cause incidents.**
- Implementation of a SMS underpinned by a culture of safety is needed to get us to our goal of *zero incidents*.



Sec. 205 SMS Report to Congress

- The number of natural gas distribution operators who have implemented a SMS in accordance with RP1173.
 - The progress made by operators who have implemented or are in the process of implementing a SMS.
- The feasibility of an operator implementing a SMS based on the size of the operator as measured by:
 - (A) the number of customers
 - (B) the amount of natural gas the operator transports
 - Anticipate Report release in the coming weeks




Enforcement Transparency Webpage

- February 16, PHMSA launched a redesigned Enforcement Transparency webpage that improves its functionality. New features include:
 - All-in-one location for enforcement documents and data
 - Ease of navigation and enhanced search capabilities
 - Mobile phone-friendly design
- Getting there remains easy:
 1. Start at PHMSA's home page at <https://www.phmsa.dot.gov>
 2. Hover over "Regulations and Compliance."
 3. Click on "Enforcement."
 4. Click on "Pipeline Enforcement."
 5. Click on "Enforcement Transparency Webpage"



Enforcement Transparency Webpage (cont.)



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PHMSA Pipeline
Enforcement

**Pipeline
Enforcement Data**

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Enforcement Activity

PHMSA's Pipeline Safety Enforcement Program is a key component of our oversight mission.


The Pipeline Safety Enforcement Program is designed to monitor and enforce compliance with pipeline safety regulations and confirm operators are meeting PHMSA expectations for safe, reliable, and environmentally sound operation of their facilities.

On this website PHMSA offers a variety of reports and records detailing its enforcement activity involving pipeline operators. These reports and records are offered on both nationwide and operator-specific bases and includes the following:




Enforcement Activity

[Cases Initiated and Closed by Year](#)



Enforcement Actions

[Cases Initiated by Case Type](#)
[Orders Issued by Order Type](#)
[Cases Closed by Case Type](#)



Enforcement Case Status by Year

[Overall Case Status](#)
[Corrective Action Orders](#)
[Notices of Proposed Safety Order](#)
[Notices of Probable Violation](#)
[Notices of Amendment](#)



Questions?

