

Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments

RIN 2137-AF38

Docket No. PHMSA-2011-0023

Summary of PRA Comments Received

The comment period for the NPRM ended on July 7, 2016, after being extended for one month. PHMSA received over 400 comments from groups representing the regulated pipeline industry; groups representing public interests, including environmental organizations; State utility commissions and regulators; members of Congress; individual pipeline operators; and private citizens. Below is a summary of the comments PHMSA received pertaining to the information collection requests.

Many citizen groups, including the NAPS, Coalition to Reroute Nexus, Pipeline Safety Trust, Earthworks, and Pipeline Safety Coalition expressed general support for the reporting requirements proposed for gathering lines, and requested that these requirements be strengthened. These commenters agreed with PHMSA's proposal that all gathering lines, regardless of Class Location, should be subject to reporting requirements. Commenters emphasized that available data on unregulated facilities may be inaccurate and/or outdated, particularly where gas development has grown rapidly, and surrounding communities have grown in response to gas development. Some commenters stated that the rule should be strengthened, requesting that PHMSA also include additional reporting-related requirements to enhance public safety, including participation in the National Pipeline Mapping System and mandatory one-call systems.

Several commenters opposed the proposed reporting requirements. NAPS requested that consideration be given to limit burdensome data reporting requirements on unregulated gathering line operators. One commenter stated that the proposed rule is not consistent with the information collection requirements in the Pipeline Safety Act or other federal laws and would impose an unnecessary burden on gathering line operators. Several trade associations stated that the proposed reporting requirements would have a large impact on the regulated community. For example, Louisiana Mid-Continent Oil and Gas Association (LMOGA) stated that the new requirements unnecessarily duplicate existing provisions. Enterprise Products asserted that although the proposed rule, as written, requires only reporting and not full compliance with 49 CFR. Part 192 per se, an operator would have to comply with most of Part 192 in order to be able to complete the required reports. The Independent Producers joined both API and GPA in stating that the reporting requirements on unregulated gathering lines are expensive, onerous, and not supported by a demonstrated pipeline safety benefit.

Other concerns were raised regarding requiring certain reporting requirements for otherwise unregulated gathering facilities. For example, EnLink Midstream questioned the value of the proposed requirement to provide telephonic notice of incidents for otherwise unregulated gathering facilities, as very few details useful for analysis are typically available within the one-hour timeframe required for telephonic notification. This commenter also expressed doubt that the reporting of safety-related conditions for the otherwise unregulated gathering pipelines on a sporadic basis would provide value in reaching conclusions to support a data driven analysis process. Enterprise Products commented that much of the information required by the current reporting forms does not exist for gas gathering lines, and that information such as MAOP and pipe characteristics is unlikely to be available. The commenter further detailed the risks that unknown or erroneous data of considerable variability will be generated in the reporting forms. Other commenters stated that given the parameters that would be used to determine whether a Class 1 gathering line is regulated, PHMSA is in effect imposing a retroactive requirement that is prohibited in 49 USC 60104. GPA stated that determination of SMYS requires various design criteria, such as wall thickness, outside diameter, and yield strength, that are not available and were not previously required for Class 1 gathering pipelines.

To address these concerns, several commenters, including TPA, Enterprise, and EnLink Midstream proposed a modified data collection effort, which they asserted would serve in determining whether further oversight is warranted. These commenters requested that the reporting required for currently unregulated onshore gas gathering pipelines be limited to abbreviated annual and incident reports. Enterprise requested that PHMSA create a new incident report form for unregulated pipelines that requests information relevant to only those pipelines. Similarly, Enterprise also recommended that PHMSA create a new annual report form to segregate the reporting of pipeline data for unregulated pipelines. Enterprise noted that many portions of the current annual report fail to distinguish between gathering or transmission pipelines, and similar to the incident report, much of the information requested is not typically available for unregulated lines. GPA similarly requested an abbreviated annual reporting form be developed. AGA, Kinder Morgan, and National Fuel Gas Supply Corporation (National Fuel) commented that the requirements should be modified to require only reporting of Safety Related Conditions for specific regulated gathering lines to ensure regulatory clarity. AGA expressed its concern that by including reporting requirements related to both MAOP exceedance and corrosion monitoring, PHMSA is proposing to subject the still unregulated gathering facilities to reporting requirements relating to provisions that are not applicable to those facilities.

Several citizen and public safety, and environmental groups, including the Pipeline Safety Trust (PST), the Wisconsin Safe Energy Alliance, NAPSR, the Coalition to Reroute Nexus, Earthworks, and the Environmental Defense Fund (EDF), supported the proposed provisions to remove the exemption for filing reports by operators of unregulated gas gathering lines. NAPSR agreed that extending reporting requirements to “unregulated” gathering lines would help determine if current operation and maintenance practices pose a risk to public safety and if additional requirements are required but suggested that PHMSA consider limiting certain requirements that could pose an unnecessary burden, such as detailed leak reporting information in part M of the gas transmission and gas gathering annual report form (DOT Form PHMSA F

7100.2-1). Some public commenters emphasized that available data on unregulated facilities could be inaccurate or outdated, particularly in areas where gas development has grown rapidly. Some of these groups also encouraged PHMSA to require gas gathering operators to submit geospatial pipeline location data for the NPMS, citing the usefulness of NPMS data for determining the need for future regulation.

Trade associations and pipeline industry entities provided a variety of responses to the proposed reporting requirements, ranging from full support, including for NPMS reporting, to total opposition to all proposed reporting requirements. The Independent Petroleum Association of America (IPAA) and other commenters representing oil and gas producers opposed changes to the scope of part 191 and commented that PHMSA has no statutory authority to apply reporting requirements to production lines and gathering lines that are not regulated gathering lines determined pursuant to § 192.8.

Several trade association and pipeline industry commenters including API, GPA Midstream (formerly the Gas Processors Association) and IPAA, expressed concern that the proposed reporting requirements could have significant cost impacts for operators that were not commensurate with the risk posed by the majority of those lines. Industry commenters also commented that it is not feasible to collect the information necessary to complete the proposed annual report by the reporting deadline of March 15 as required by § 191.17 on top of the efforts necessary to identify Type A, Area 2 (or Type C) regulated gas gathering lines within six months of the effective date the rule (see section III.C. below).

Industry commenters were especially concerned about reporting requirements for pipeline attributes that were related to requirements that did not apply to unregulated gas gathering lines. For example, GPA, API, and other industry commenters argued that the reporting of safety-related conditions (§ 191.23), including MAOP exceedances, would require information on MAOP, corrosion monitoring, and SMYS that were not otherwise required for previously unregulated gathering lines. The current forms for submitting gas transmission and gathering incident reports (F 7100.2) and annual reports (F 7100.2-1) also refer to regulations or records not required for unregulated gas gathering operators. These commenters recommended that PHMSA create separate incident and annual report forms for gathering lines that would collect information relevant to gas gathering lines that are not subject to part 192 and eliminate the proposed requirement to report safety-related conditions.

GPA Midstream commented that they supported PHMSA's goal of collecting necessary information on gas gathering lines, but that an abbreviated annual report form was necessary to avoid unnecessary costs. GPA Midstream further commented that unregulated gas gathering lines should be excepted from the OPID validation and change notification requirements in § 191.22(b) and (c).

Copies of individual comments may be found by accessing Docket No. PHMSA-2011-0023 at www.regulations.gov.