

PIPELINE AND HAZMAT SAFETY

Babst Calland
Attorneys at Law

Where Trust and Value Meet™

Led by three former Pipeline and Hazardous Materials Safety Administration (PHMSA) attorneys, and advised by a former PHMSA Regional Director, our PHMSA practice group counsels natural gas and liquids pipeline companies, LNG terminals, utilities, CO₂ and hydrogen pipeline developers, investors, trade associations, and other industry stakeholders. Our team brings decades of government service and industry experience to help clients solve difficult regulatory and strategic challenges.



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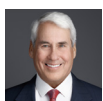
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Representative Matters:

- Counseling pipeline operators nationwide on day-to-day PHMSA and state partner agency regulatory interpretative issues.
- Advising operators on multiple internal investigations, root cause failure analyses, and transactional due diligence strategies.
- Regularly perform comprehensive jurisdictional analyses of gas and hazardous liquid pipeline facilities throughout the value chain.
- Prepared comments for numerous national trade associations and individual operators in major PHMSA pipeline safety rulemaking proceedings, including liquefied natural gas, the safety of gas transmission and gathering lines, gas distribution, periodic standards update, class location, valve installation, gas pipeline leak detection and repair, hazardous liquid repair criteria, regulatory reform, among others.
- Routinely represent operators in PHMSA and state partner agency enforcement proceedings.
- Prepared trade associations and operators for participation in Gas and Liquid Advisory Committee meetings.
- Advising pipeline operators and technology companies seeking PHMSA and state partner special permits.
- Advising pipeline operators on Type C composite pipe notifications.
- Advising operators and trade associations on legislative strategy, including Pipeline Safety Act reauthorization.
- Obtained complete and partial withdrawals of alleged PHMSA violations and reduced civil penalties.
- Negotiated settlements of PHMSA enforcement proceedings on favorable terms.
- Counseling developers of CO₂ and hydrogen pipelines and related CCS projects.
- Partnering with our environmental practice colleagues to represent operators and asset developers in complex multi-agency regulatory proceedings, including pipeline releases.
- Prepared first of its kind Petition for Declaratory Order (PDO) before PHMSA (*Mifflin Energy Corp.*, Docket No. PHMSA-2023-0080). Prepared additional PDOs in other proceedings which have not yet been docketed.
- Represented operator in D.C. Circuit petitions for review of PHMSA actions related to the use of composite pipe (*EQT Corporation v. PHMSA*, No. 23-1057 and No. 23-1058).
- Advised national trade associations in multiple appeals of PHMSA final rules in the U.S. Court of Appeals for the D.C. Circuit, including a successful outcome in *GPA Midstream Assn' and API v. PHMSA*, No. 22-1148 (May 16, 2023).
- Worked with federal regulators to obtain approval of alternative facility testing protocols for multibillion-dollar LNG export projects.
- Evaluated piping and tank jurisdiction and compliance issues at complex refinery and terminal facilities across the US.
- Served as expert witness in an arbitration proceeding involving warranty claims for pipeline safety compliance issues.
- Authored a comprehensive study on the safety and reliability of natural gas pipelines for a national trade association.
- Represented pipeline operator in D.C. Circuit petition for review of a PHMSA finding regarding pipeline safety jurisdiction over submerged pipelines, resulting in a global settlement in *Hilcorp v. Alaska v. PHMSA*, No. 19-016.
- Advised industry stakeholders on obligations under the hazardous materials safety laws and regulations and represented operators Federal Railroad Administration and other DOT modal administration enforcement matters.

If you need assistance with pipeline and hazardous materials safety matters, please contact Brianne Kurdock at BKurdock@babstcalland.com or 202.853.3462 or Jim Curry at JCurry@babstcalland.com or 202.853.3461 of the Pipeline and HazMat Safety practice group.

* Mr. Hoidal is our Senior Director of Safety and not an attorney.

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