

PHMSA issues advisory bulletin on minimizing natural gas releases from pipeline facilities

On June 7, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued an advisory bulletin (ADB) reminding owners and operators of gas and hazardous liquid pipeline facilities of a self-executing mandate from the “Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020” (PIPES Act of 2020).

Statutory mandate

The mandate, codified at Section 114(b) of the PIPES Act of 2020, provides that by December 27, 2021, “each pipeline operator shall update the inspection and maintenance plan prepared by the operator under section 60108(a) of title 49, United States Code, to address the elements described in the amendments to that section made by [Section 114(a)].”

Section 114(a) of the PIPES Act of 2020 added to 49 U.S.C. § 60108(a) that, in deciding on the adequacy of an inspection and maintenance plan, PHMSA or a certified state authority must consider the extent to which the plan will contribute to “eliminating hazardous leaks and

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minimizing releases of natural gas from pipeline facilities” and “the extent to which the plan addresses the replacement or remediation of pipelines that are known to leak based on the material (including cast iron, unprotected steel, wrought iron, and historic plastics with known issues), design, or past operating and maintenance history of the pipeline.”

Additionally, Section 114(a) added to 49 U.S.C. § 60108(a) that inspection and maintenance plans must “meet the requirements of any regulations promulgated under section 60102(q).” Section 60102(q) is a new rule-making mandate from Section 113 of the PIPES Act of 2020 that requires PHMSA to issue new leak detection rules for operators of regulated gas gathering, transmission, and distribution lines by December 27, 2021.

Section 114(a) also provided that PHMSA or a relevant state authority must review each plan not later than December 27, 2022, and then every five years.

Advisory bulletin

PHMSA issued the ADB to reiterate the mandate from Section 114 of the PIPES Act of 2020. Notably, PHMSA stated in the ADB that Section 114 applies to all pipeline facility owners and operators, including owners and operators of hazardous liquid pipeline facilities.

- **Natural gas releases and hazardous leaks.** While the PIPES Act did not define the type of natural gas releases or hazardous leaks operators are required to address, the ADB provides that an operator’s plan must address both intentional and unintentional releases of natural gas. PHMSA characterized intentional releases as including venting during normal operations or due to equipment design (e.g., pneumatic device bleeds, blow-downs, incomplete combustion or overpressure protection venting). Unintentional releases, the ADB explains, include any unintentional leaks from equipment, including pipelines, flanges, valves, meters, etc.

- **Pipelines known to leak.** With respect to addressing the replacement or remediation of pipelines that are known to leak based on the material (e.g., cast iron, unprotected steel, wrought iron, and historic plastics with known issues, according to PHMSA), design, or past operating and maintenance history, the ADB states that PHMSA will evaluate how the operator’s plans address reducing leaks from pipelines with these issues.

- **Inspection and maintenance plans.** PHMSA stated in the ADB that the updated plans must be “tailored to the operator’s pipeline facilities, supported by technical analysis where necessary, and sufficiently detailed to clearly describe the manner in which each requirement is met.” PHMSA also cited to page 17 its existing Part 192 O&M Enforcement Guidance and page 18 of its existing Part 195 O&M Enforcement Guidance.

- **Inspections.** PHMSA noted that it, along with state authorities, would be inspecting operator’s plans to determine whether they adequately address the PIPES Act mandate. PHMSA explained that it would evaluate the steps taken by an operator to prevent and mitigate both intentional and unintentional releases of natural gas. ■

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