



Excavation Enforcement & Outreach and Engagement Update

Dave Mulligan

Community Liaison



Community Assistance & Technical Services (CATS)

Name Change



Community Liaison (CL)



Effective: January 1, 2017

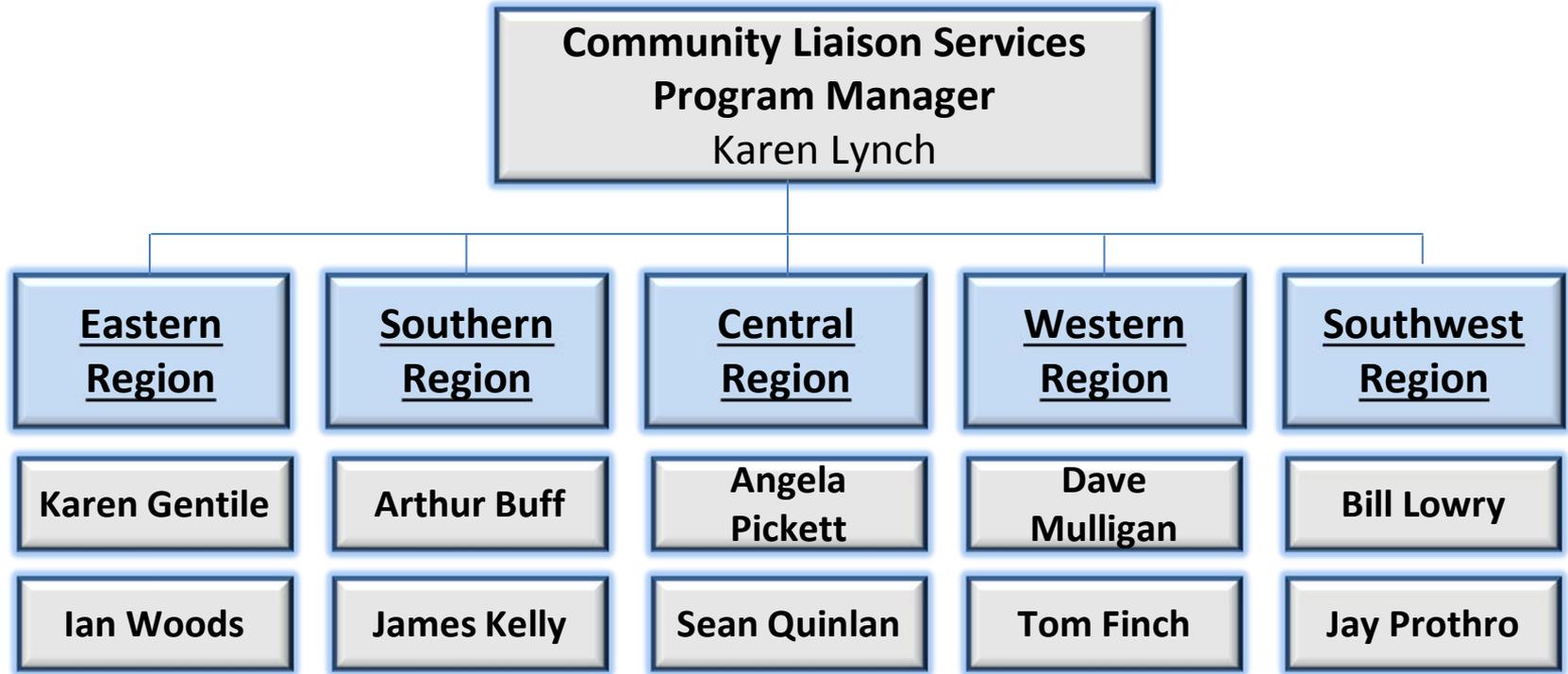
Why?

- More appropriately aligns with current roles and responsibilities
- Better articulates role to various stakeholders
- Stakeholders can more clearly interface with the agency staff
- CATS acronym was too long and difficult to explain



Office of Pipeline Safety

Community Liaisons



For more information: <http://primis.phmsa.dot.gov/comm/CATS.htm>



PHMSA Excavation Enforcement



Review of the Rule

- PHMSA's goal: to encourage states to enforce their own damage prevention laws
- 49 CFR 198.51 – 198.63 (evaluation of state damage prevention law enforcement programs)
 - Seven (7) criteria
- 49 CFR 196 (protection of underground pipelines from excavation activity)
 - The federal safety standard applicable to excavators
- PHMSA has enforcement authority over excavators only in states with inadequate enforcement programs



The Rule is NOT...

- An attempt to create a national one-call law
- A takeover of state damage prevention programs
- An attempt to nullify state damage prevention laws
- An attempt to establish a large federal enforcement regime

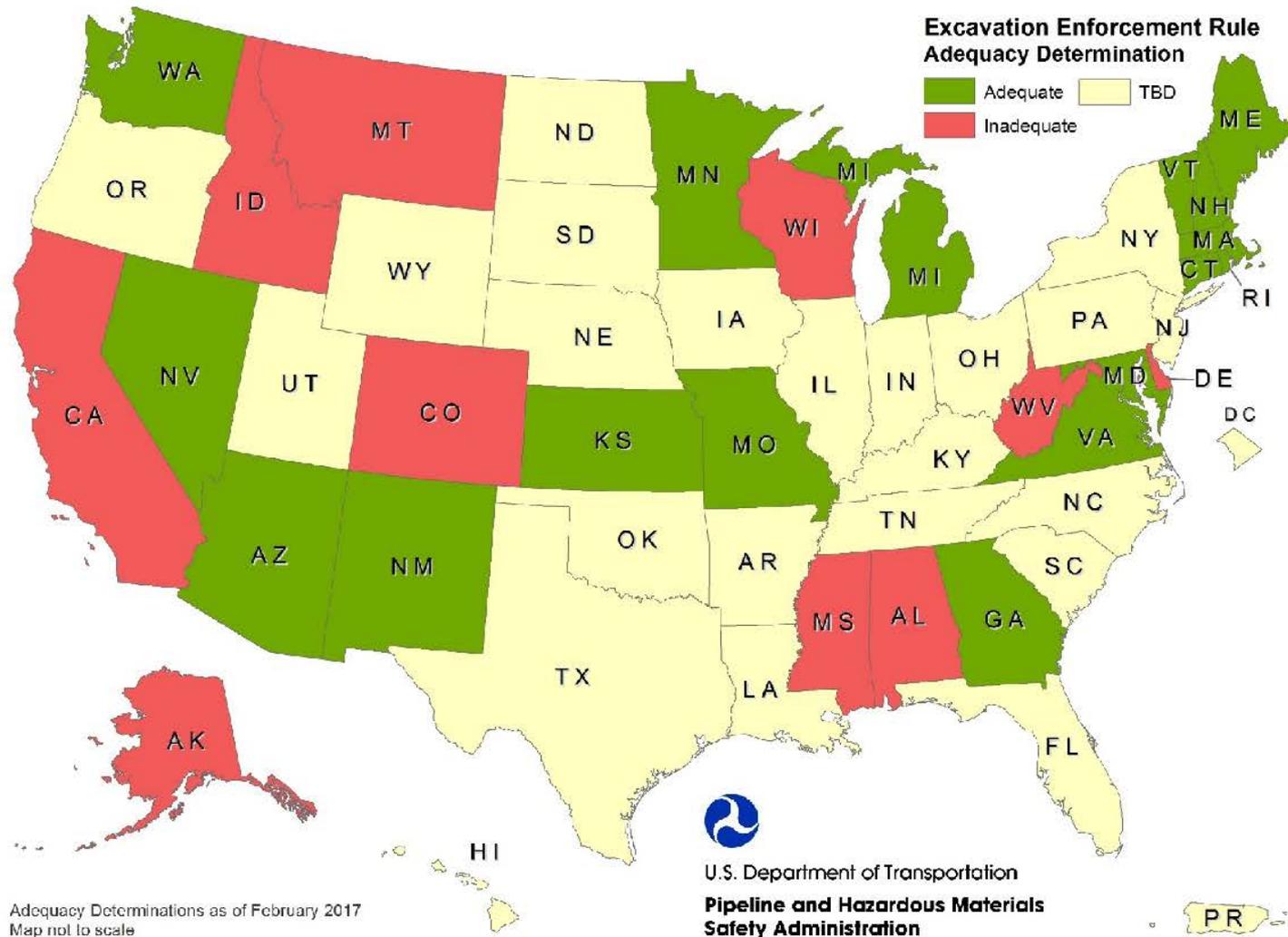


Status of PHMSA's Evaluations To-Date

- All state one-call law enforcement programs were evaluated in calendar year 2016
- PHMSA continues to notify states of our findings from 2016 evaluations
- Enforcement programs will be evaluated on an annual basis
- The 2017 round of evaluations will begin around April



PHMSA's Findings To-Date



Status of PHMSA's Determinations of Adequacy

- PHMSA has notified 30 states of their status
 - 22 remaining states (and territories) will be notified in the coming weeks
 - States have 30 days to contest PHMSA's findings
- Status of each state is posted on the website
 - Evaluation checklists will not be posted
 - Notification letters are posted



General Observations

- When PHMSA published the ANPRM in 2009, there were nine states with no enforcement authority; there are currently four states with no enforcement authority
- States have been extremely cooperative and want to have adequate enforcement programs
- States view the evaluation checklist as generally fair and sufficient



What if Your State's Enforcement Program is Deemed Inadequate?

- Use the checklist (and associated guidance) as a road map to improvement
- PHMSA is offering support to states
 - Letters of support
 - Review of proposed legislation
 - Education of stakeholders

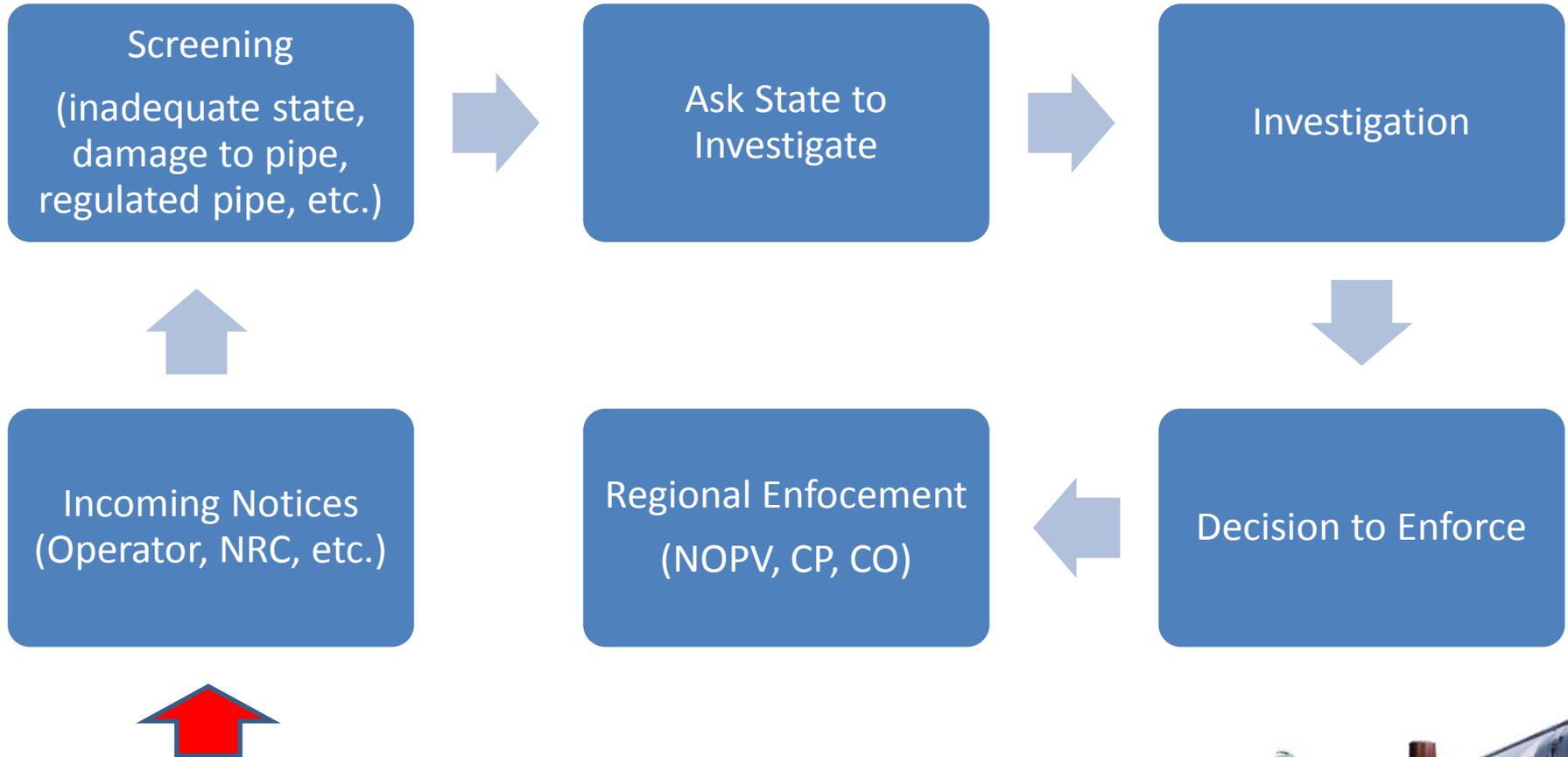


PHMSA's Approach to Federal Enforcement¹²

- General philosophy:
 - Strategic and targeted enforcement on a limited basis; federal authority should be considered “backstop”
 - Primary goal: encourage change in State behavior (states should enforce their own laws)
 - PHMSA will enforce 49 CFR 196 (PHMSA cannot enforce state laws)
 - PHMSA cannot enforce in states with adequate programs



PHMSA Excavation Enforcement Process



What Can PHMSA Enforce (Part 196)?

- Failure to use one-call system before excavating . [196.103(a)]
- Failure to wait for the pipeline operator to arrive at the excavation site and establish and mark the location. [196.103(b)]
- Failure to excavate with proper regard for the marked location of pipelines. [196.103(c)]
- Failure to make additional use of one-call as necessary. [196.103(d)]
- Failure to promptly report any damage of a pipeline due to excavation activity to the pipeline operator. [196.107]
- Failure to promptly report any release of any PHMSA-regulated natural and other gas or hazardous liquid by calling the 911 emergency telephone number. [196.109]

Note: Pipeline operators and their contractors are subject to the excavation damage prevention requirements of 49 CFR Parts 192 and 195.



Resources

- Website: <http://phmsa.dot.gov/pipeline/safety-awareness-and-outreach/excavator-enforcement>
 - Google: “PHMSA Excavation Enforcement Final Rule”
- The website contains:
 - Background information
 - Schedule of state program evaluations
 - PHMSA’s determinations of State program adequacy
 - Excavation damage reporting form
 - Text of the rule
 - FAQs
 - State program evaluation checklist
 - Contact information for PHMSA



Miscellaneous Stuff



NPMS New Developments

- Updated PIMMA and Public Viewer interfaces
- PIMMA Plus on Intranet
- YouTube tutorial for Public Viewer
- iPhone apps for PIMMA and the Public Viewer



www.npms.phmsa.dot.gov



GOVERNMENT OFFICIAL



PIPELINE OPERATOR



GENERAL PUBLIC



FIRST-TIME VISITOR

PIMMA USER LOGIN
PASSWORD PROTECTED VIEWER RESTRICTED TO GOVERNMENT OFFICIALS AND PIPELINE OPERATORS

LOGIN

APPLY FOR PIMMA ACCESS

PUBLIC MAP VIEWER
PIPELINE MAPS FOR THE GENERAL PUBLIC – NO PASSWORD REQUIRED

ABOUT PUBLIC MAP VIEWER

USE PUBLIC MAP VIEWER



Map Viewer Enhancements

- PIMMA now contains pipeline history and incident and accident data since 2002
- [PIMMA Plus](#) has a dedicated server for DOT intranet users and contains inspection unit boundaries and inspection activities as well as the features in PIMMA
- Public Viewer now contains incident and accident data since 2002



Public Viewer: Pipelines in a single county per session

[YouTube tutorial](#)

Public Viewer Log Out

Map Layers Query Tools Enter search term (min 4 chars) ? Help

Map Layers

- Accidents (Liquid)
- Incidents (Gas)
- Gas Transmission Pipelines
- Hazardous Liquid Pipelines
- LNG Plants
- Breakout Tanks
- Other Populated Areas (scale dependent)
- Highly Populated Areas (scale dependent)
- State Boundaries
- abc Show Labels
- County Boundaries
- abc Show Labels
- Map
- Satellite

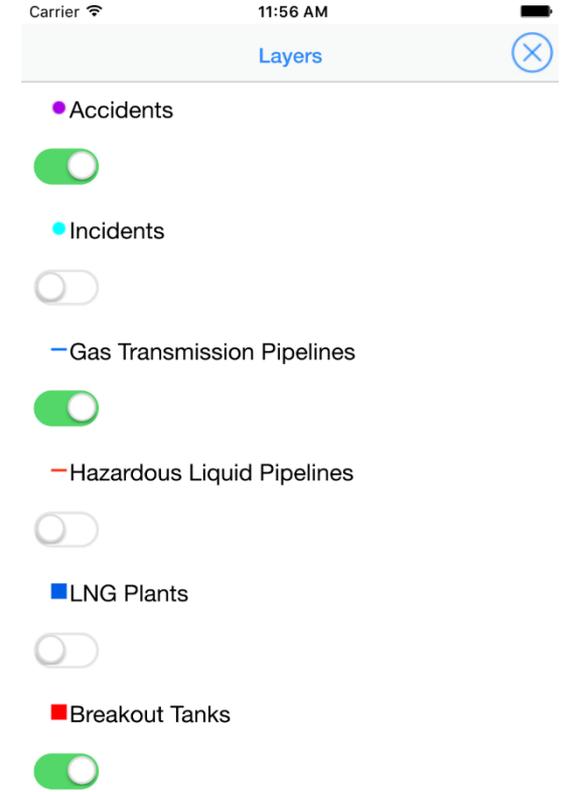
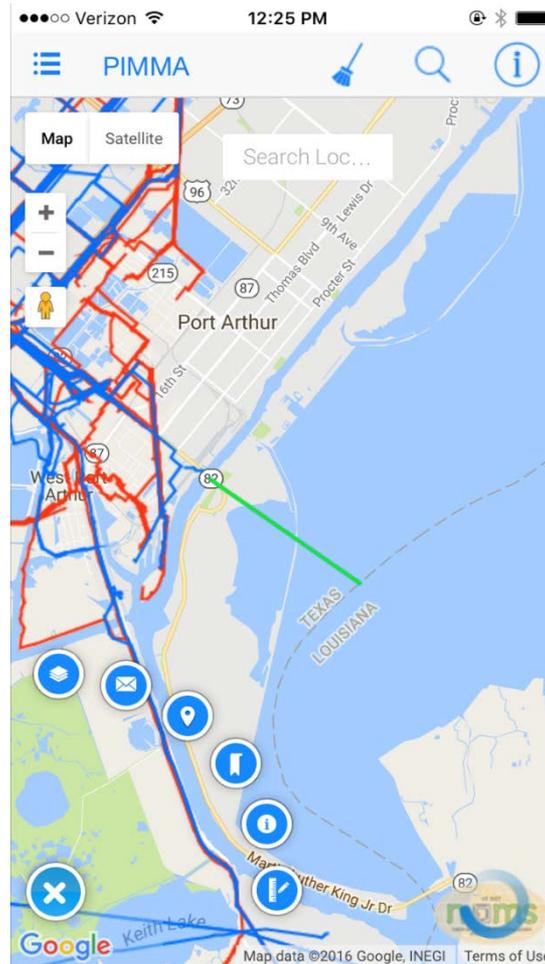
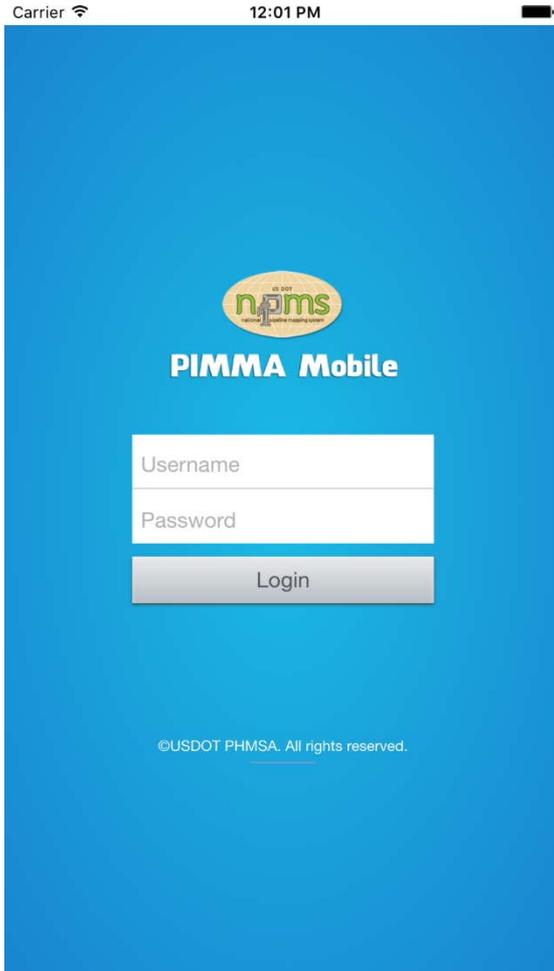
Map data ©2016 Google Imagery ©2016 TerraMetrics

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PIMMA iPhone app: search “pipeline information” in app store



Coming soon

Public Viewer iPhone app



PHMSA's Role During Major Pipeline Failures



PHMSA's Role When Pipelines Fail

- Support the FOSC and Incident Command Unified Command (IC/UC)
 - Provide Facility Response Plan to FOSC
 - Technical support to IC/UC, Joint Information Center, Operations, and Planning
- Ensure pipeline safety is maintained:
 - Pipeline integrity is maintained
 - Repair and restart plans
 - Consider safety of other pipelines in area
 - Pipeline purge procedures being followed



PHMSA's Role When Pipelines Fail

- Ensure pipeline company is fully cooperating with federal, state and local emergency responders
- Deploy liaison resources between PHMSA technical investigators and community stakeholders (public, local, state, and federal)
- Provide International and Public Affairs resources for media and congressional inquiries
- Conduct pipeline accident investigations (as it relates to the pipeline)
- Require Metallurgical Testing and Root Cause Failure Analysis

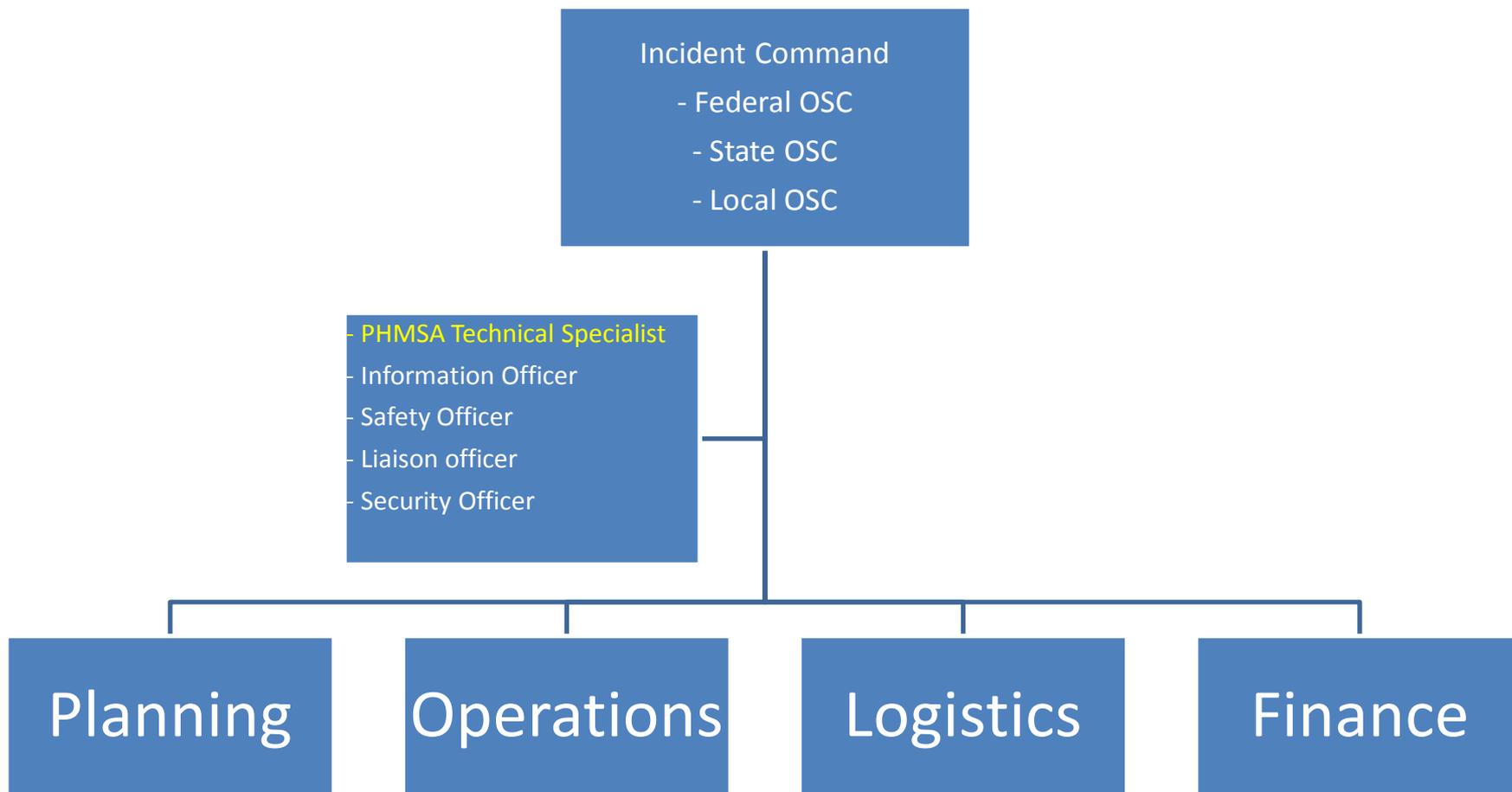


PHMSA's Role When Pipelines Fail

- Issue Corrective Action Orders/Safety Orders when necessary
- Investigate compliance with regulations and take appropriate enforcement actions
- Incorporation of Lessons Learned – Regulatory, Policy, Training or Compliance Changes
- PHMSA does not:
 - Act as first responders
 - Perform/manage/deploy spill containment or cleanup
 - Charge fee for services



Typical Incident Command Reporting Structure



Security of Pipelines



PHMSA & TSA

- PHMSA and The Transportation Security Administration (TSA) have a mutual interest in safeguarding the United State's Oil and Natural Gas pipeline infrastructure
- PHMSA focuses on the safety of the Nation's pipelines and administers the pipeline safety regulatory program.
- TSA focuses on the security of the Nation's pipelines and has authored Pipeline Security Guidelines for operators available online.

PHMSA POC	TSA POC
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Safeguarding and Securing Pipelines Advisory Bulletin

- On December 9, 2016 PHMSA published an Advisory Bulletin in the Federal Register in coordination with the TSA.
- The bulletin followed recent incidents in the United States on October 11, 2016 when several unauthorized persons accessed and interfered with pipeline operations in several states.
- The Advisory Bulletin was to remind:
 - All pipeline owners and operators of the importance of safeguarding and securing their pipeline facilities and monitoring their SCADA systems for abnormal operations and/or indications of unauthorized access.
 - The public of the dangers and legal ramifications associated with tampering with pipeline system facilities.



Transparency

- Most PHMSA correspondence is posted to public website:
 - CAOs
 - NOPVs
 - NOAs
 - Warning Letter
 - Safety Orders
- All other info is FOIA-ble



PHMSA Inspection Evolution



Targeted Inspections

- Unit/Standard
- Integrity Management
- Operation and Maintenance
- **Public Awareness**
- Control Room Management
- Operator Qualification
- Breakout Tank
- Construction



Integrated Inspections

- Combines discrete inspection “types”
- Prioritize specific areas of inspection based on risk information
- May focus on one or more “targeted” areas

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Inspection Schedule Change

- Moving to Federal Fiscal Year from Calendar Year (Oct-Sept)
- Align with Federal budget cycle
- Hunting season scheduling issues
- Why does it appear you are getting more frequent inspections?
 - We listened to you. You like having the opportunity showing off your pipeline safety programs
 - Assist with keeping PHMSA data up to date
 - More proactive vs. reactive (information sharing)



PHMSA Media Requests

- For all PHMSA media requests including:
 - Press, reporters, etc.
 - Elected officials
 - Documentary writers, etc.
- Refer them directly to PHMSA Public Affairs:
 - Email: PHMSA.PublicAffairs@dot.gov
 - Phone: (202) 366-4831



PHMSA Jurisdictional Vs. Regulated?

- Jurisdictional: Transportation of hazardous liquid by pipeline under Part 192 & 195
- Regulated: Pipeline facilities and the transportation of gas or hazardous liquid that are not exempted:
 - Offshore gathering
 - Producing Operator pipeline in the OCS
 - Unregulated onshore gathering
 - In plant
 - Gravity
 - Other modes of transportation



It's Inspection Time

- Don't panic
- Should be prepared every day
 - Records in order
 - Business as usual
- Typically scheduled
- Your time to show off your pipeline safety program
- Ask questions and be cooperative
- Don't be afraid to voice your opinion



Every 6 minutes

an underground utility line is damaged because someone decided to dig without first calling 811.

Call Before You Dig Campaigns



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

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



Questions?

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