



VIA ELECTRONIC FILING

February 4, 2021

Docket Operations Facility (M-30)
U.S. Department of Transportation
Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, D.C. 20590

RE: Comments – Pipeline Safety: Midstream Facilities Frequently Asked Questions; Docket No. PHMSA-2019-0199

On November 4, 2020, the U.S. Department of Transportation's (DOT's) Pipeline and Hazardous Materials Safety Administration (PHMSA or the Agency) published a notification and request for comments (Notice) in the above-captioned proceeding.¹ In the Notice, PHMSA proposed a set of frequently asked questions (FAQs) for determining the jurisdictional status of midstream processing facilities under the Agency's gas and hazardous liquid pipeline safety regulations and the Occupational Safety and Health Administration's (OSHA) process safety management (PSM) requirements. The guidance provided in the FAQs was largely developed by a multi-stakeholder Midstream Working Group that PHMSA's Pipeline Advisory Committees formed in 2014 to address the overlapping exercise of oversight and enforcement authority by the Agency and OSHA at these facilities.

GPA Midstream Association (GPA Midstream) appreciates the opportunity to provide comments in this proceeding.² GPA Midstream supports the joint comments submitted by the Association of Oil Pipe Lines, American Petroleum Institute, Interstate Natural Gas Association of America, and American Gas Association but is writing separately to express its views given the significance of the issues for its membership. GPA Midstream is the nation's leading trade

¹ Pipeline Safety: Midstream Facilities Frequently Asked Questions, 85 Fed. Reg. 70,124 (Nov. 4, 2020).

² GPA Midstream has served the U.S. energy industry since 1921 and has nearly 70 corporate members that directly employ more than 75,000 employees that are engaged in a wide variety of services that move vital energy products such as natural gas, natural gas liquids (NGLs), refined products and crude oil from production areas to markets across the United States, commonly referred to as "midstream activities". The work of our members indirectly creates or impacts an additional 450,000 jobs across the U.S. economy. GPA Midstream members recover more than 90% of the NGLs such as ethane, propane, butane and natural gasoline produced in the United States from more than 400 natural gas processing facilities. In 2017-2019 period, GPA Midstream members spent over \$105 billion in capital improvements to serve the country's needs for reliable and affordable energy.

organization for the midstream industry, and our member companies operate most of the natural gas processing plants in the United States.³ Several GPA Midstream member companies participated as stakeholders in the Midstream Working Group, and we strongly support the collaborative process that PHMSA used in creating the FAQs, which address jurisdictional questions that are extremely important to all involved in ensuring the safe and effective operation of this critical link in our nation's energy infrastructure.

GPA Midstream applauds the efforts of the Midstream Working Group and believes that the framework embodied in the FAQs represents a good faith effort to balance the interests of all affected parties. Providing additional clarity on the regulatory status of pipelines and other facilities at processing plants eliminates unnecessary exercises of overlapping federal regulatory authority and allows operators and the inspection and enforcement staff at PHMSA and OSHA to allocate resources more efficiently. More importantly, these benefits are realized without compromising public or worker safety; for as the Midstream Working Group noted in developing the proposed the FAQs, PHMSA's gas and hazardous liquid pipeline safety regulations and OSHA's PSM requirements provide an equivalent level of safety.

GPA Midstream believes that the views expressed in the joint comment letter are consistent with the fundamental principles agreed upon by the Midstream Working Group. We are endorsing the joint comments with due regard to the prior deliberations of the Midstream Working Group and to continue facilitating the collaborative process that the Agency has used throughout this proceeding. Our members hope that PHMSA follows the same approach in resolving similar questions in the future.

If you have any questions, please feel free to contact me at 202-279-1664 or mhite@gpamidstream.org.

Sincerely,



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³ U.S. Energy Information Administration, "U.S. natural gas processing plant capacity and throughput have increased in recent years", Michael Kopalek, Principal Contributor (Mar. 7, 2019) (stating that "[a]s of the end of 2017, 510 active natural gas processing plants were active in the Lower 48 states with a total processing capacity of 80.8 billion cubic feet per day (Bcf/d)"), <https://www.eia.gov/todayinenergy/detail.php?id=38592#:~:text=As%20of%20the%20end%20of,at%20about%2066%25%20of%20capacity>. As indicated in footnote 2, *infra*, GPA Midstream members operate more than 400 natural gas processing plants.