

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
WASHINGTON, D.C.**

Pipeline Safety: Gas Pipeline Leak Detection
and Repair

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Docket No. PHMSA-2021-0039
Docket No. PHMSA-2023-0061

COMMENTS ON PIPELINE SAFETY: GAS PIPELINE LEAK DETECTION AND REPAIR RULE

**FILED BY
AMERICAN GAS ASSOCIATION
AMERICAN PETROLEUM INSTITUTE
AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS
AMERICAN PUBLIC GAS ASSOCIATION
GPA MIDSTREAM ASSOCIATION
INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA
NORTHEAST GAS ASSOCIATION**

January 5, 2024

The American Gas Association (AGA)¹, American Public Gas Association (APGA)², Interstate Natural Gas Association of America (INGAA)³, American Petroleum Institute (API)⁴, GPA Midstream⁵, Northeast Gas Association (NGA)⁶, and American Fuel & Petrochemical Manufacturers (AFPM)⁷ (jointly “the Associations”) submit these comments for consideration by the Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding the Gas Pipeline Advisory Committee (GPAC or Committee) meeting held in Arlington, Virginia on November 27- December 1, 2023.⁸

This meeting provided the GPAC Members, PHMSA representatives, the regulated community, the public, and other interested stakeholders with the opportunity to discuss several important topics related to, and provide feedback on, PHMSA’s proposed rule, “Pipeline Safety: Gas Pipeline Leak Detection and Repair” (Proposed Rule).⁹ Due to the complexity, expansive scope, and significant potential impacts of

¹ Founded in 1918, AGA represents more than 200 local energy companies committed to the safe and reliable delivery of clean natural gas to more than 180 million Americans. AGA is an advocate for natural gas utility companies and their customers and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international natural gas companies, and industry associates. Today, natural gas meets more than one third of the United States’ energy needs.

² APGA is the national, non-profit association of publicly owned natural gas distribution systems. APGA was formed in 1961 as a non-profit, non-partisan organization, and currently has over 740 members in 37 states. Overall, there are nearly 1,000 municipally owned systems in the U.S. serving more than five million customers. Publicly owned gas systems are not-for-profit retail distribution entities that are owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities.

³ INGAA is a trade association that advocates regulatory and legislative positions of importance to the interstate natural gas pipeline industry. INGAA is comprised of 25 members, representing the vast majority of the U.S. interstate natural gas transmission pipeline companies. INGAA’s members operate nearly 200,000 miles of pipelines and serve as an indispensable link between natural gas producers and consumers.

⁴ API is the national trade association representing all facets of the oil and natural gas industry, which supports 9.8 million U.S. jobs and 8 percent of the U.S. economy. API’s more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation’s energy and are backed by a growing grassroots movement of more than 25 million Americans.

⁵ Shaping the U.S. midstream energy sector since 1921, GPA Midstream sets standards for natural gas liquids; develops simple and reproducible test methods to define the industry’s raw materials and products; manages a worldwide cooperative research program; provides a voice for our industry on Capitol Hill; and is the go-to resource for technical reports and publications.

⁶ NGA is a regional, non-profit trade association that focuses on education and training, safety, technology research and development, operations, planning, and increasing public awareness of natural gas in the Northeast U.S. NGA represents natural gas distribution companies, transmission companies, liquefied natural gas suppliers and associate member companies. Its operating member companies provide natural gas service to over 13 million customers in 9 states (CT, ME, MA, NH, NJ, NY, PA, RI, VT). [NYSEARCH](#) is NGA’s RD&D Division, and for more than 30 years has worked with its members, a consortium of natural gas Local Distribution Companies (LDCs) who have a common interest and need for research and technology development and demonstration.

⁷ AFPM is the leading trade association representing the makers of the fuels that keep Americans moving and the petrochemicals that are the essential building blocks for modern life. Our industries make life better, safer, healthier and — most of all — possible.

⁸ Pipeline Safety: Meeting of the Gas Pipeline Safety Advisory Committee, 88 Fed. Reg. 64518 (September 19, 2023). The GPAC is a peer review committee charged with providing recommendations on the technical feasibility, reasonableness, cost-effectiveness, and practicability of PHMSA’s proposed safety standards for gas pipeline facilities. 49 U.S.C. §§ 60102(b)(2)(G), 60115.

⁹ 88 Fed. Reg. 31890 (May 18, 2023).

PHMSA's proposed requirements on regulated entities, state regulators, and consumers, as well as the time required to hear all perspectives, the five days allocated to review this proposed rule were insufficient for the Committee to adequately review and provide feedback on all the topics related to the Proposed Rule included on the Committee's agenda.¹⁰ Therefore, PHMSA and the GPAC agreed to schedule a subsequent meeting in order to complete the Committee's review of the Proposed Rule¹¹. The Associations intend to submit comments to the rulemaking docket responding to the discussions held and recommendations offered by the Committee during its November 2023 meeting. Consistent with our past practice, those comments will provide suggested regulatory language derived from discussions and recommendations of the GPAC members during the November 2023 GPAC meeting. Those comments will also contain additional information, discussion, and context to the GPAC's conversation, in order to provide clarity on many of the issues that the Committee has already discussed and may deliberate in the future GPAC meeting.

The intent of these comments is to document the Associations' intention to file detailed and thorough comments after the current published comment deadline, January 5, 2024.¹² The Associations believe it is necessary for PHMSA to confirm in the docket that comments pertaining both GPAC meetings during a period of at least 30 days after the conclusion of the next GPAC meeting.

In the event PHMSA believes public comments on topics discussed during the November 2023 GPAC meeting should not be accepted after January 5, 2024, the Associations object for the following reasons:

1. Several of the topics discussed in detail in November 2023 by the GPAC will likely be revisited during the anticipated March 2024 GPAC meeting. For example, the Committee is expected to discuss the effective dates of various provisions of the Final Rule, as well as enhanced regulatory reporting requirements during the March 2024 meeting. Both of these concepts were introduced, briefly discussed, but ultimately tabled during the November meeting. Requiring public commenters to provide meaningful reactions, responses, and recommendations to partial and incomplete discussions is not helpful to the rulemaking process and will likely only cause confusion in the record and for PHMSA staff.
2. The January 5, 2024, deadline imposes an undue burden on public commenters. While the meeting concluded on December 1, 2023, the 2,409 page transcript for the 5 day meeting was not posted to the public meeting webpage until December 22, 2023 – leaving 8 working days¹³ between the posting of the transcript and the comment deadline. The Associations do not believe it is a reasonable request to provide substantive and meaningful comments under this timeline.

The Associations recognize and appreciate the significant efforts put forth by PHMSA on the Leak Detection and Repair rulemaking, particularly regarding the planning and execution of the GPAC meetings.

¹⁰ In fact, PHMSA initially allocated three days for the GPAC to consider its Leak Detection proposal. However, it quickly became apparent that additional time would be required for the Committee to complete its review of its Leak Detection proposed rule, and PHMSA modified the agenda for this meeting by deferring consideration of its Class Location proposed rulemaking to a future GPAC meeting.

¹¹ The subsequent GPAC meeting is tentatively scheduled for March 25 – 29, 2024.

¹² See 88 Fed. Reg. 64518 (Sept. 19, 2023), providing that public comments on the proceedings of the GPAC meeting "must be submitted by January 5, 2024." This Federal Register Notice remains the only published guidance regarding the deadline for submitting comments following the November 2023 GPAC meeting.

¹³ Excluding weekends and federal holidays.

We commend PHMSA staff for providing a forum where all stakeholders can provide valuable feedback that will help shape this significant regulation and ensure that any final rule is technologically and economically feasible, reasonable, cost-effective and practicable.

Respectfully submitted,

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