Pipeline and Emergency Responder Initiative (PERI)

RRT IV/RRT V Meeting

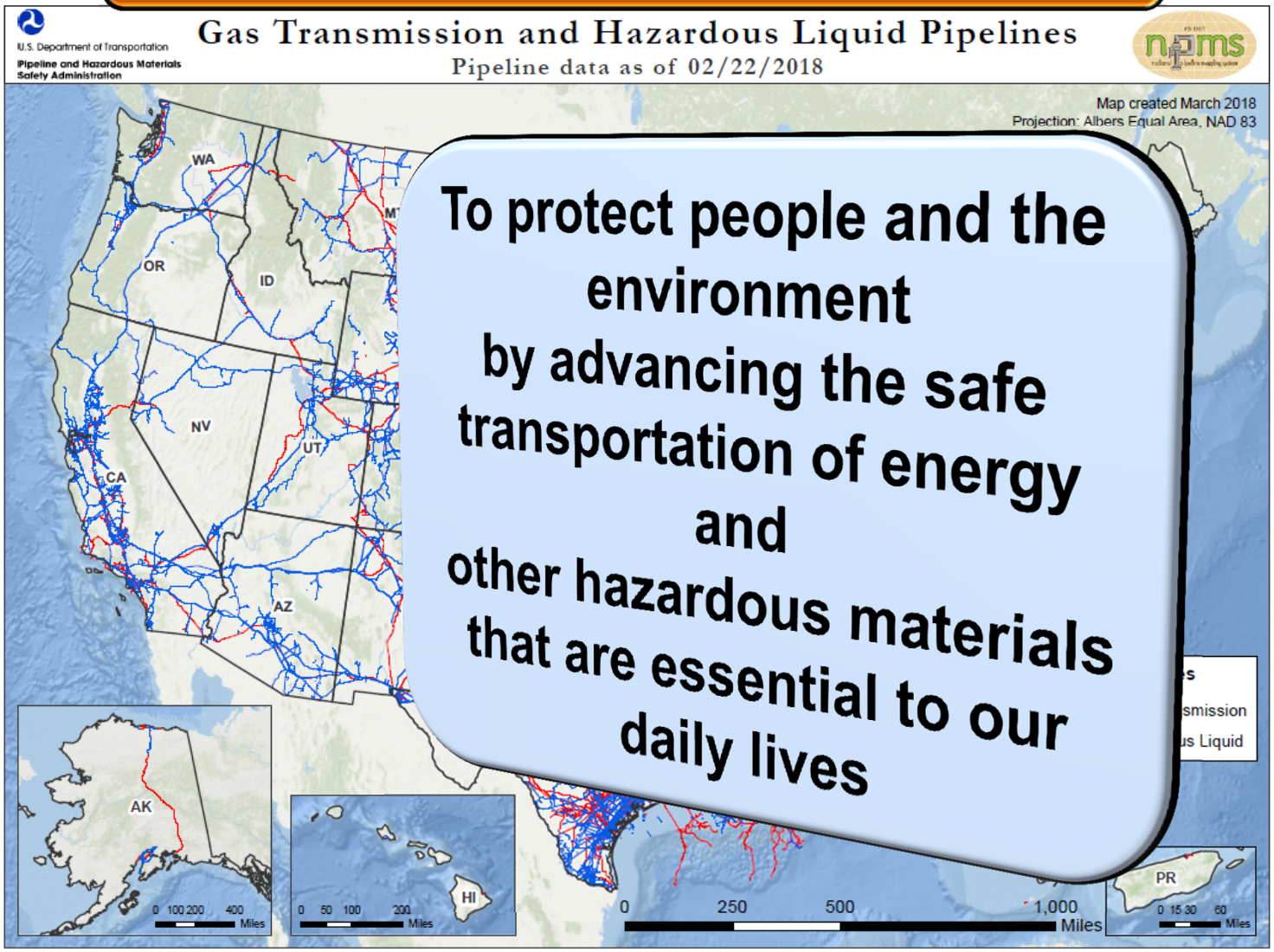
Covington, KY
October 18, 2018

Arthur O. Buff, P.E.
Community Liaison
PHMSA, Outreach and Engagement Division

Overview

- Current Pipeline Mileage
- New Administration Perspective
- Excavation Damage
- PERI Program

PHMSA Office of Pipeline Safety



Regulated Pipeline Systems

System Type	Miles
Hazardous Liquid	212,189/ 7,578 Tanks
Gas Transmission	300,566
Gas Gathering	18,347
Gas Distribution (Mains & Services)	2,212,189
Total	2,743,291

Liquid Natural Gas	152 Plants/ 227 Tanks
Underground Natural Gas Storage, (First annual reports in 2018)	~400 Facilities

Administration Take on Rules

Informal Rule Making

The Reg Map

Informal Rulemaking

Step One
Initiating Events

Agency Initiatives

Agency initiatives for rulemaking originate from such things as:
- Agency priorities and plans
- New scientific data
- New technologies
- Accidents

Required Reviews

Statutory Mandates

Recommendations from Other Agencies/External Groups/States/Federal Advisory Committees

Lawsuits

Petitions

OMB Prompt Letters

Step Two
Determination Whether a Rule Is Needed

Administrative Procedure Act Provisions

Under the Administrative Procedure Act provisions that are included as part of the Freedom of Information Act at 5 U.S.C. 552, agencies are required to publish in the *Federal Register*:
- Substantive rules of general applicability
- Interpretive rules
- Statements of general policy
- Rules of procedure
- Information about forms
- Information concerning agency organization and methods of operation

Step Three
Preparation of Proposed Rule

Proposed Rule

A notice of proposed rulemaking proposes to add, change, or delete regulatory text and contains a request for public comments.

Administrative Procedure Act Provisions

Under the Administrative Procedure Act provisions at 5 U.S.C. 553, rules may be established only after proposed rulemaking procedures (steps three through six) have been followed, unless an exemption applies. The following are exempted:
- Rules concerning military or foreign-affairs functions
- Rules concerning agency management or personnel
- Rules concerning public property, loans, grants, benefits, or contracts
- Interpretive rules
- General statements of policy
- Rules of agency organization, procedure, or practice
- Nonsignificant rules for which the agency determines that public input is not warranted
- Rules published on an emergency basis

Note: Even if an exemption applies under the Administrative Procedure Act provisions, other statutory authority or agency policy may require that proposed rulemaking procedures be followed.

Optional Supplementary Procedures to Help Prepare a Proposed Rule

Advance Notice of Proposed Rulemaking
An advance notice of proposed rulemaking requests information needed for developing a proposed rule.

Negotiated Rulemaking
Negotiated rulemaking is a mechanism under the Negotiated Rulemaking Act (5 U.S.C. 561-570) for bringing together representatives of an agency and the various interests to negotiate the text of a proposed rule.

Step Four
OMB Review of Proposed Rule

OMB Review Under Executive Order 12866

OMB reviews only those rulemaking actions determined to be "significant."

Independent agencies are exempt from OMB review.

Step Five
Publication of Proposed Rule

Administrative Procedure Act Provisions

The Administrative Procedure Act provisions at 5 U.S.C. 553 require proposed rules to be published in the *Federal Register*.

Step Six
Public Comments

Comments

Under the Administrative Procedure Act provisions of 5 U.S.C. 553, an agency must provide the public the opportunity to submit written comments for consideration by the agency.

As required by Public Law No. 107-347, agencies must provide for submission of comments by electronic means and must make available online the comments and other materials included in the rulemaking docket under 5 U.S.C. 553 (c).

Executive Order 12866 established 60 days as the standard for the comment period.

The holding of a public hearing is discretionary unless required by statute or agency policy.

Step Seven
Preparation of Final Rule, Interim Final Rule, or Direct Final Rule

Final Rule

A final rule adds, changes, deletes, or affirms regulatory text.

Special Types of Final Rules

Interim Final Rule
An interim final rule adds, changes, or deletes regulatory text and contains a request for comments. The subsequent final rule may make changes to the text of the interim final rule.

Direct Final Rule
A direct final rule adds, changes, or deletes regulatory text at a specified future time, with a duty to withdraw the rule if the agency receives adverse comments within the period specified by the agency.

Step Eight
OMB Review of Final Rule, Interim Final Rule, or Direct Final Rule

OMB Review Under Executive Order 12866

OMB reviews only those rulemaking actions determined to be "significant."

Independent agencies are exempt from OMB review.

Step Nine
Publication of Final Rule, Interim Final Rule, or Direct Final Rule

Congressional Review Act (5 U.S.C. 801-808)

An agency must submit most final rules, interim final rules, and direct final rules, along with supporting information, to both houses of Congress and the General Accounting Office before they can take effect.

Major rules are subject to a delayed effective date (with certain exceptions).

Action by Congress and the President could have an impact on the rule.

Administrative Procedure Act Provisions

Under the Administrative Procedure Act provisions that are included as part of the Freedom of Information Act at 5 U.S.C. 552, agencies are required to publish final rules, interim final rules, and direct final rules in the *Federal Register*.

Federal Register Act (44 U.S.C. 1501-1511)

The Federal Register Act at 44 U.S.C. 1510 (implemented at 1 CFR 8.1) requires rules that have general applicability and legal effect to be published in the *Code of Federal Regulations*.

Specific Analyses for Steps Three and Seven

Regulatory Planning and Review (E.O. 12866)
Would the rule have a $100 million annual impact, raise novel issues, and/or have other significant impacts? → **If yes** — Prepare economic impact analysis.

Regulatory Flexibility Act (5 U.S.C. 601–612)
Is a notice of proposed rulemaking required by law? → **If yes**
Would the rule "have a significant economic impact on a substantial number of small entities"? → **and yes** — Prepare regulatory flexibility analysis.
Note: Under limited circumstances analyses also are required for certain interpretive rules involving internal revenue laws (5 U.S.C. 603, 604).

Paperwork Reduction Act (44 U.S.C. 3501–3520)
Does the rule contain a "collection of information" (reporting, disclosure, or recordkeeping)? → **If yes** — Prepare information collection clearance package for OMB review and approval, and prepare request for public comments.

Unfunded Mandates Reform Act (2 U.S.C. Chs. 17A, 25)
Does the rulemaking process include a proposed rule? → **If yes**
Does the rule include any Federal mandate that may result in the expenditure (direct costs minus direct savings) by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year (adjusted annually)? → **and yes** — Prepare unfunded mandates analysis (unless an exclusion applies).

Federalism (E.O. 13132)
Is the rule a discretionary rule that has federalism implications and imposes substantial unreimbursed direct compliance costs on State and local governments? → **If yes** — Prepare federalism summary impact statement.
Does the rule have federalism implications and preempt State law? → **If yes** — Prepare federalism summary impact statement.

Indian Tribal Governments (E.O. 13175)
Is the rule a discretionary rule that has tribal implications and imposes substantial unreimbursed direct compliance costs on Indian tribal governments? → **If yes** — Prepare tribal summary impact statement.
Does the rule have tribal implications and preempt tribal law? → **If yes** — Prepare tribal summary impact statement.

National Environmental Policy Act (42 U.S.C. 4321–4347)
Is the rule categorically excluded from review? → **If no**
Does the rule constitute a major Federal action that could significantly affect the quality of the human environment? → **and yes** — Prepare environmental assessment or environmental impact statement, as appropriate.

National Technology Transfer and Advancement Act (15 U.S.C. 272 note)
Does the rule contain provisions for which the use of voluntary standards is applicable? → **If yes** — Adopt voluntary consensus standards or explain why not.

Governmental Actions and Interference with Constitutionally Protected Property Rights (E.O. 12630)
Does the rule regulate private property use for the protection of public health or safety? → **If yes** — Prepare takings analysis.
Is the rulemaking a proposed regulatory action that has takings implications (other than regulating private property for the protection of public health and safety)? → **If yes** — Prepare takings analysis.

Protection of Children from Environmental Health Risks and Safety Risks (E.O. 13045)
Is the rulemaking a "covered regulatory action"? → **If yes** — Prepare analysis of the environmental health or safety effects on children.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (E.O. 13211)
Is the rulemaking action a "significant energy action"? → **If yes** — Prepare statement of energy effects.

Using The Reg Map

The Reg Map is based on general requirements. In some cases, more stringent or less stringent requirements are imposed by statutory provisions that are agency specific or subject matter specific. Also, in some cases more stringent requirements are imposed by agency policy.

In a typical case, a rulemaking action would proceed from step one through step nine with a proposed rule and a final rule.

However, if a rulemaking action is exempt from the proposed rulemaking procedures under the Administrative Procedure Act provisions (explained under step three) or under other statutory authority, an agency may:

- promulgate a final rule omitting steps three through six, or
- promulgate an interim final rule omitting steps three through six, but providing a comment period and a final rule after step nine.

Also, if an agency determines that a rule likely would not generate adverse comment, the agency may promulgate a direct final rule, omitting steps three through six, but with a duty to withdraw the rule if the agency receives adverse comments within the period specified by the agency.

Drafting Requirements for Rulemaking Documents

Regulatory Planning and Review (E.O. 12866)
Rulemaking documents must comply with the specified regulatory philosophy and principles of regulation.

Civil Justice Reform (E.O. 12988)
Rulemaking documents must be written in clear language designed to help reduce litigation.

Presidential Memorandum on Plain Language (63 FR 31885)
Rulemaking documents must comply with plain language principles.

Federal Register Publications
Rulemaking documents must comply with the Federal Register regulations (1 CFR). Additional guidance and requirements are contained in the Federal Register's *Document Drafting Handbook*.

Agendas for Rules Under Development or Review

Unified Regulatory Agenda
The Unified Regulatory Agenda provides information concerning agency rules under development or review.

The Unified Regulatory Agenda is published in the *Federal Register* in the spring and fall of each year.

Regulatory Plan
The Regulatory Plan provides information concerning the most important significant regulatory actions that the agency is planning to take.

The Regulatory Plan is published in the Unified Regulatory Agenda in the fall of each year.

Regulatory Flexibility Agenda
The Regulatory Flexibility Agenda provides information concerning any rule that an agency expects to prepare or promulgate that is likely to have a significant economic impact on a substantial number of small entities.

Agency regulatory flexibility agendas are published as part of the Unified Regulatory Agenda in the spring and fall of each year.

ICF INTERNATIONAL
Experts in drafting rulemaking documents and preparing supporting analyses
Visit us at www.erqsupport.com. Also, check out www.CommentWorks.com for a faster, cheaper, and better way to respond to public comments on proposed rules.
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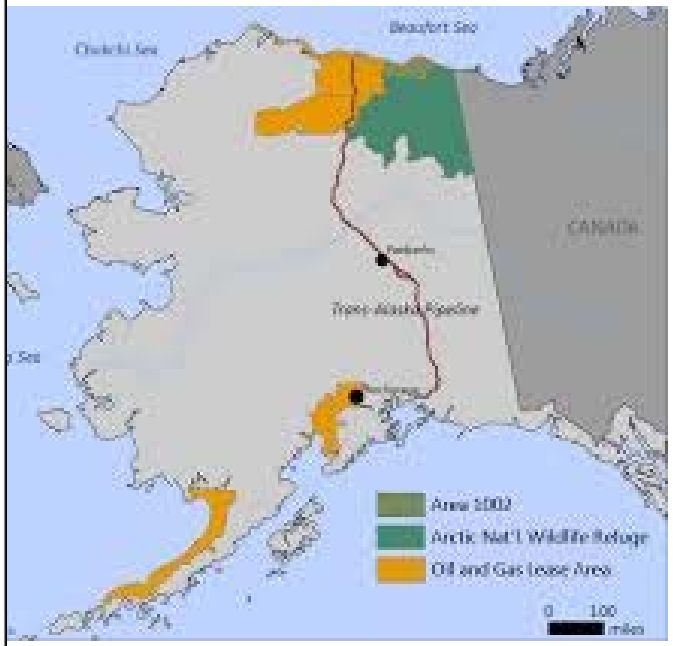
Drilling in ANWR

(2,000 Acres out of 19 million)



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."

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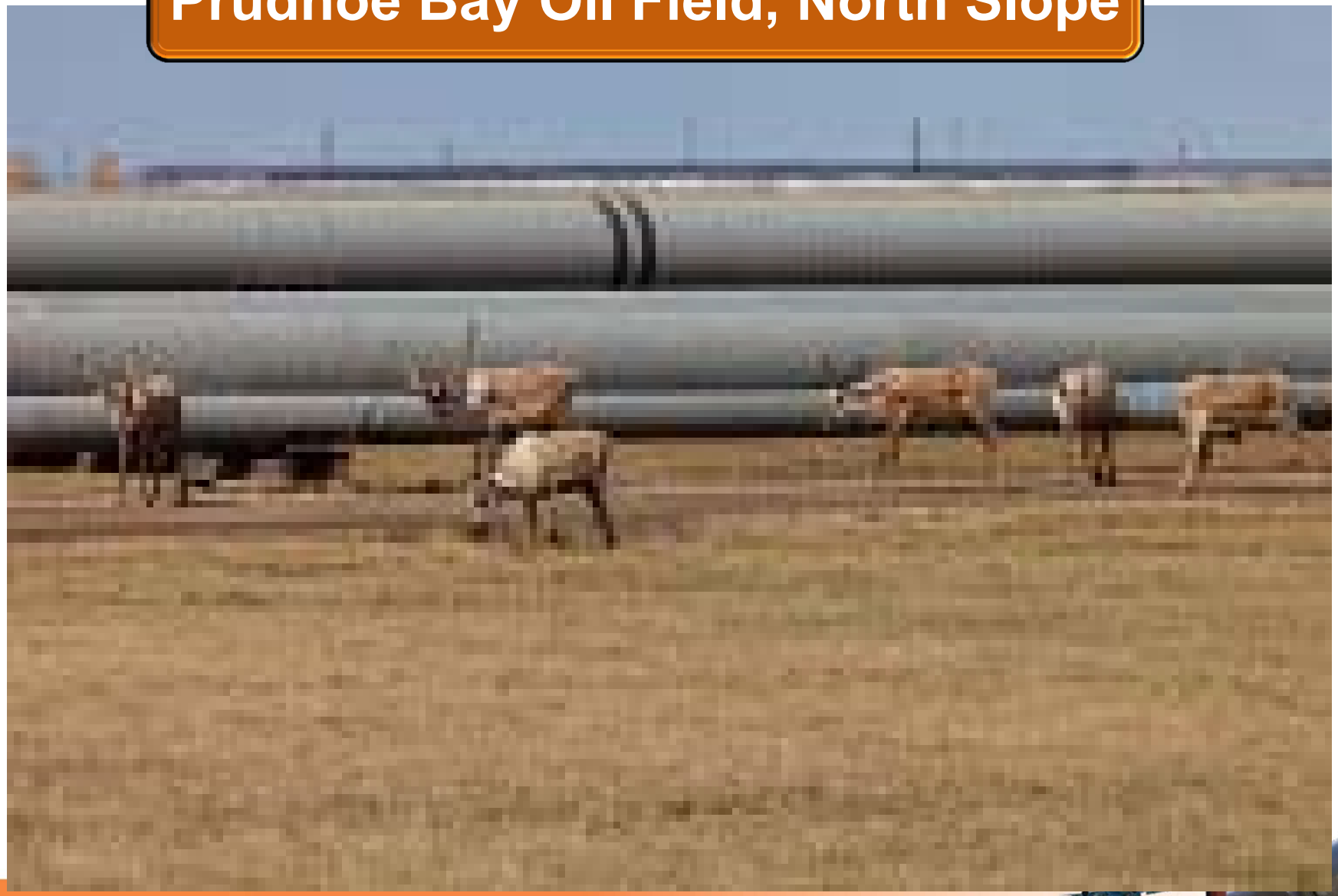
Prudhoe Bay Oil Field, North Slope



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Excavation Damage

Excavation Damage

- 1995-2015: 16.8% incidents

32.3% injuries

37.7% fatalities

Excavation Damage – Pelham, AL

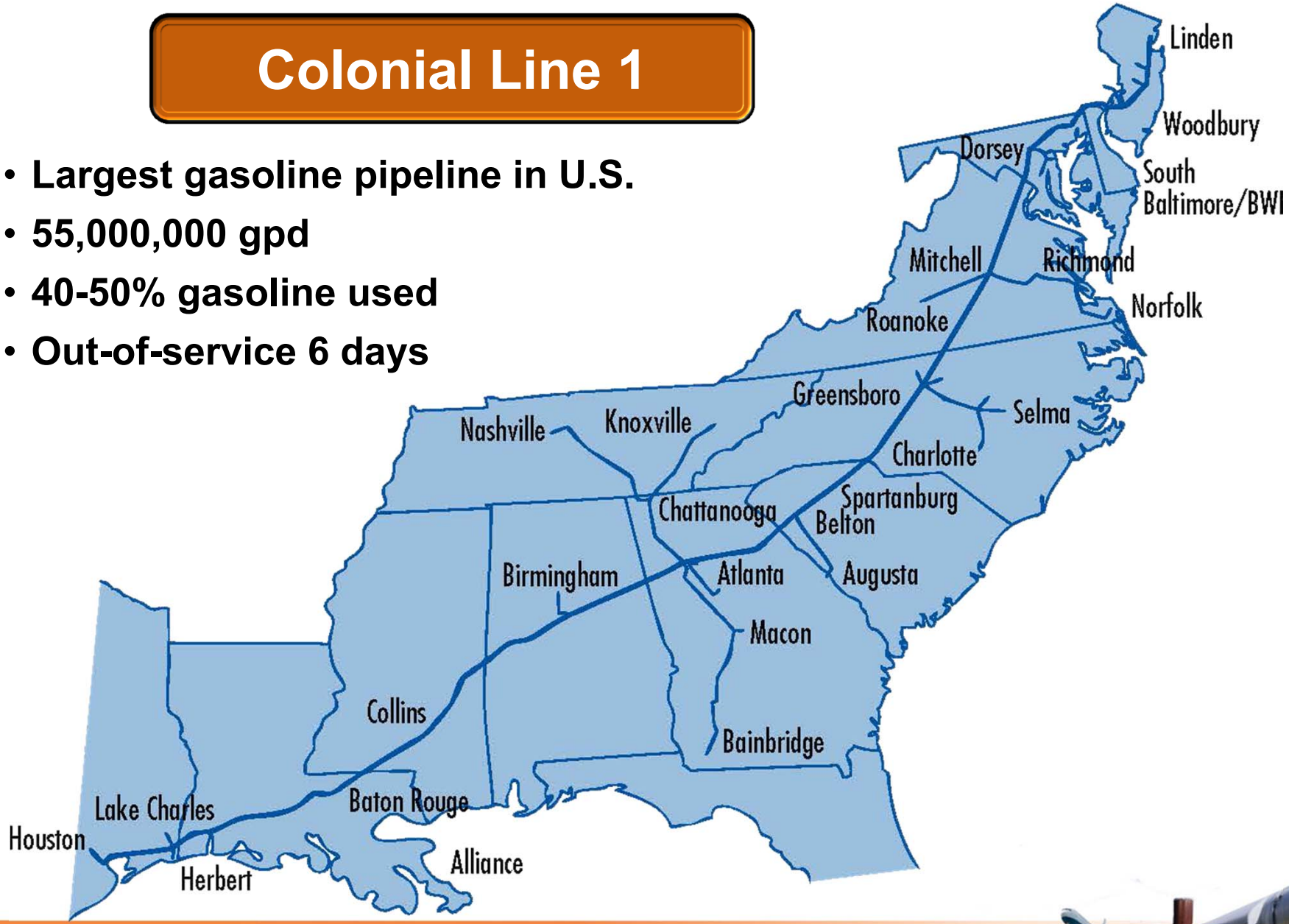
October 31, 2016

- 36” gasoline line
- 1 person killed, 5 hospitalized
- 2nd person died in hospital
- Subcontractor working for Colonial
- Track hoe used to excavate TOR fitting
- result of 336,000 gallon release
- NTSB investigating

“burning geyser of gasoline, like Old Faithful with smoke and fire"

Colonial Line 1

- **Largest gasoline pipeline in U.S.**
- **55,000,000 gpd**
- **40-50% gasoline used**
- **Out-of-service 6 days**

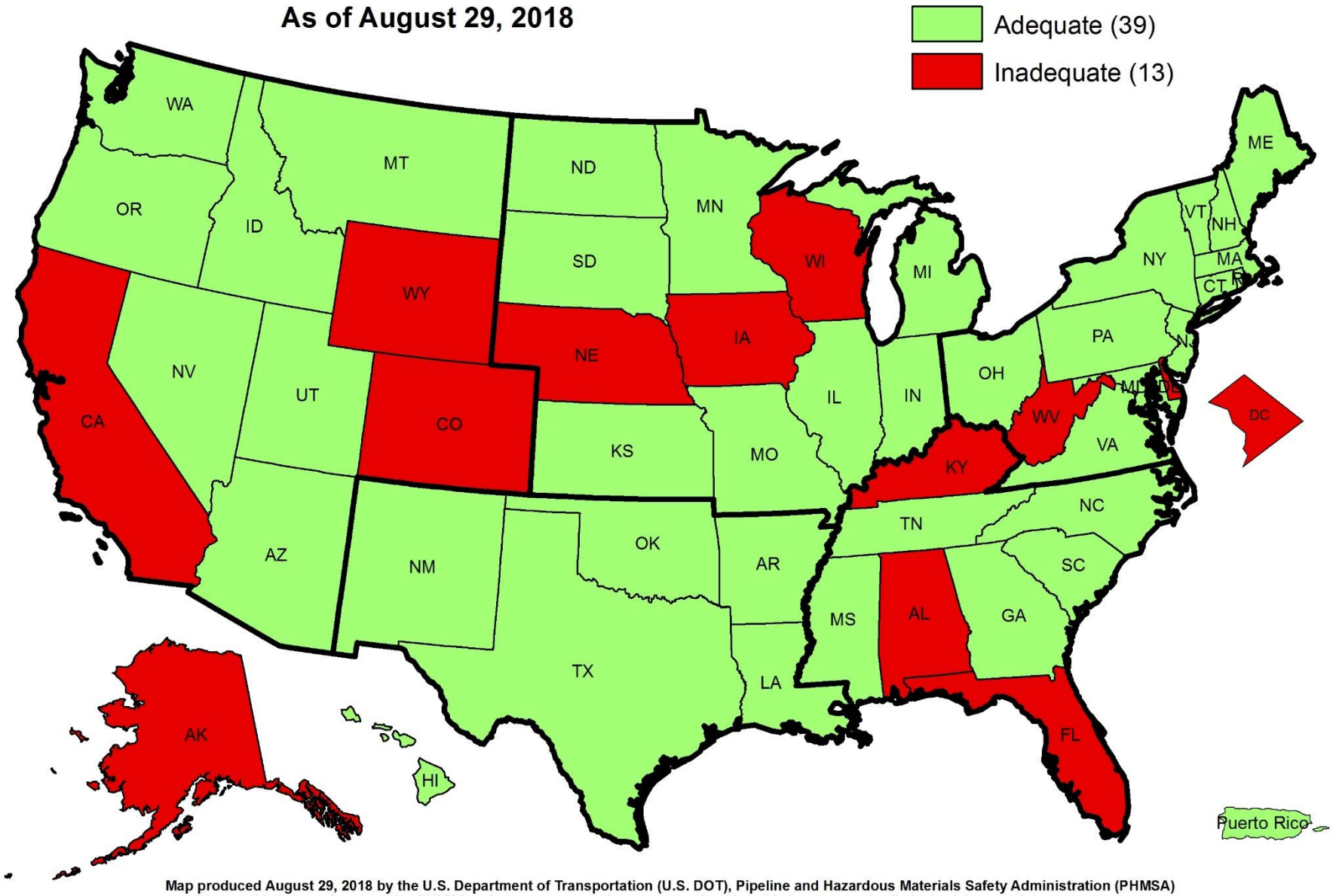


Excavation Damage – Pelham, AL

DRIVE

Adequacy of One-Call Law Enforcement Programs

As of August 29, 2018



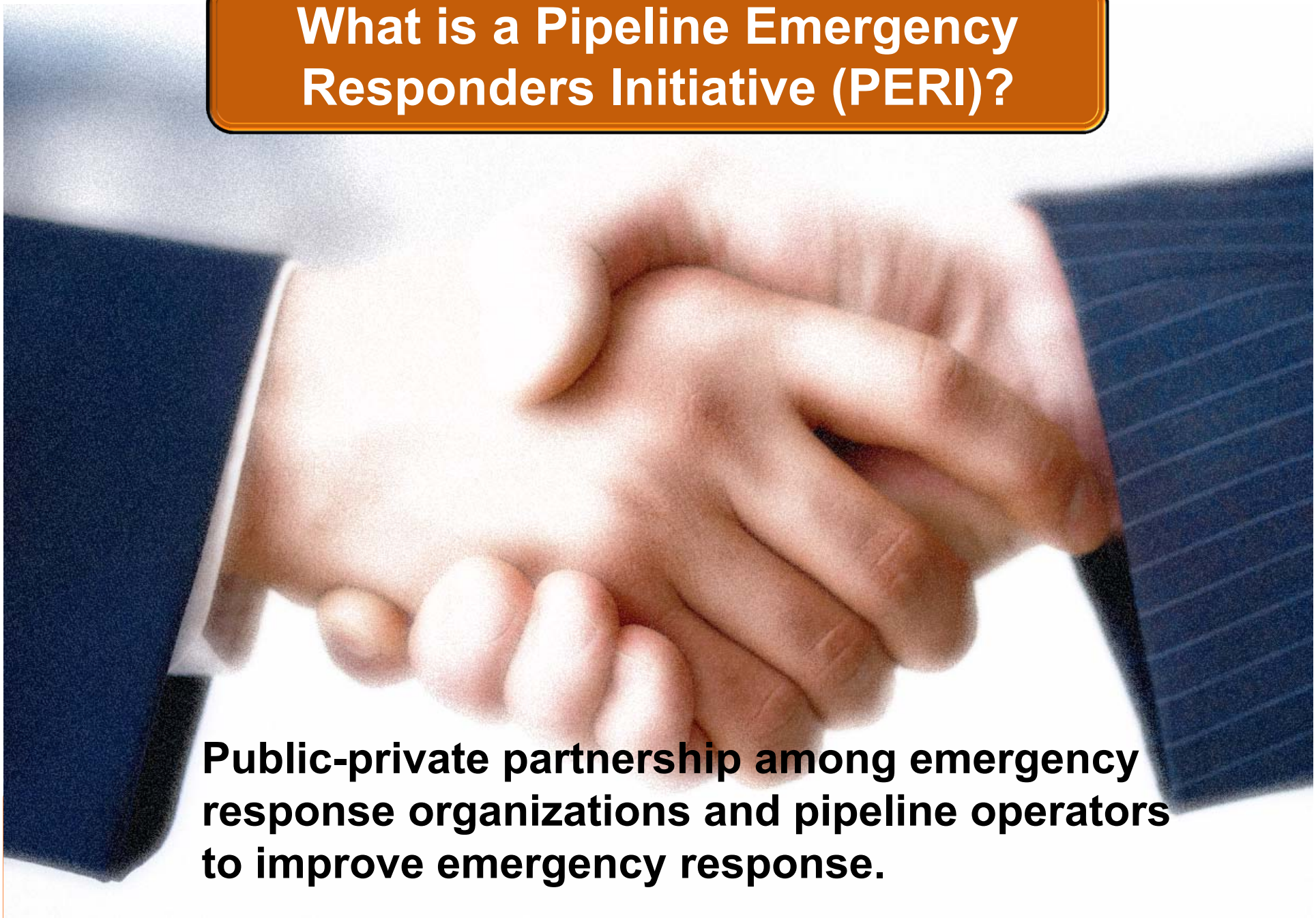
Map produced August 29, 2018 by the U.S. Department of Transportation (U.S. DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA)

Map provided as a reference only. PHMSA makes no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability or availability with respect to this map for any purpose. PHMSA expressly disclaims liability for errors and omissions in the contents of this map.

PERI Program

- What is PERI?
- Why is PERI needed?
- How did PERI get started?
- Where are we now?

What is a Pipeline Emergency Responders Initiative (PERI)?



Public-private partnership among emergency response organizations and pipeline operators to improve emergency response.

What Do We Want to Accomplish with PERI?

- ✓ **Enhance responders understanding of pipeline risks and hazards;**
- ✓ **Strengthen relations in the interest of public safety;**
- ✓ **Improve management of pipeline emergencies nationwide**

Regulatatory Requirements

Emergency Plans - 192.615 and 195.402

- Written procedures for notifying appropriate fire, police, and other public officials of gas and liquid pipeline emergencies

- Establish and maintain liaison with appropriate fire, police, and other public officials

Public Awareness - 192.616 and 195.440

- Messages to emergency responders and public officials

Drivers for Change in GA

Some firefighters squeezing off gas lines when ruptured in AGLR footprint. Need to change behaviors

JULY 2010 Meeting of GPSC, GA Association of Fire Chiefs: No firefighter involvement on the issues affecting them

Increased industry focus on effectiveness of ER training & liaison

2007 2008 2009 2010 2011 2012

MARCH, 2008
GA Public Service Commission issues Final Rule: County-wide Gas Safety Plans to reduce confusion/ duplication of efforts

SEPTEMBER 9, 2010
San Bruno:"What pipeline?"

Are GA firefighters adequately informed?

MAY 15, 2012 First-ever GA Pipeline Operators & Emergency Responder Meeting

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To Protect People and the Environment From the Risks of Hazardous Materials Transportation

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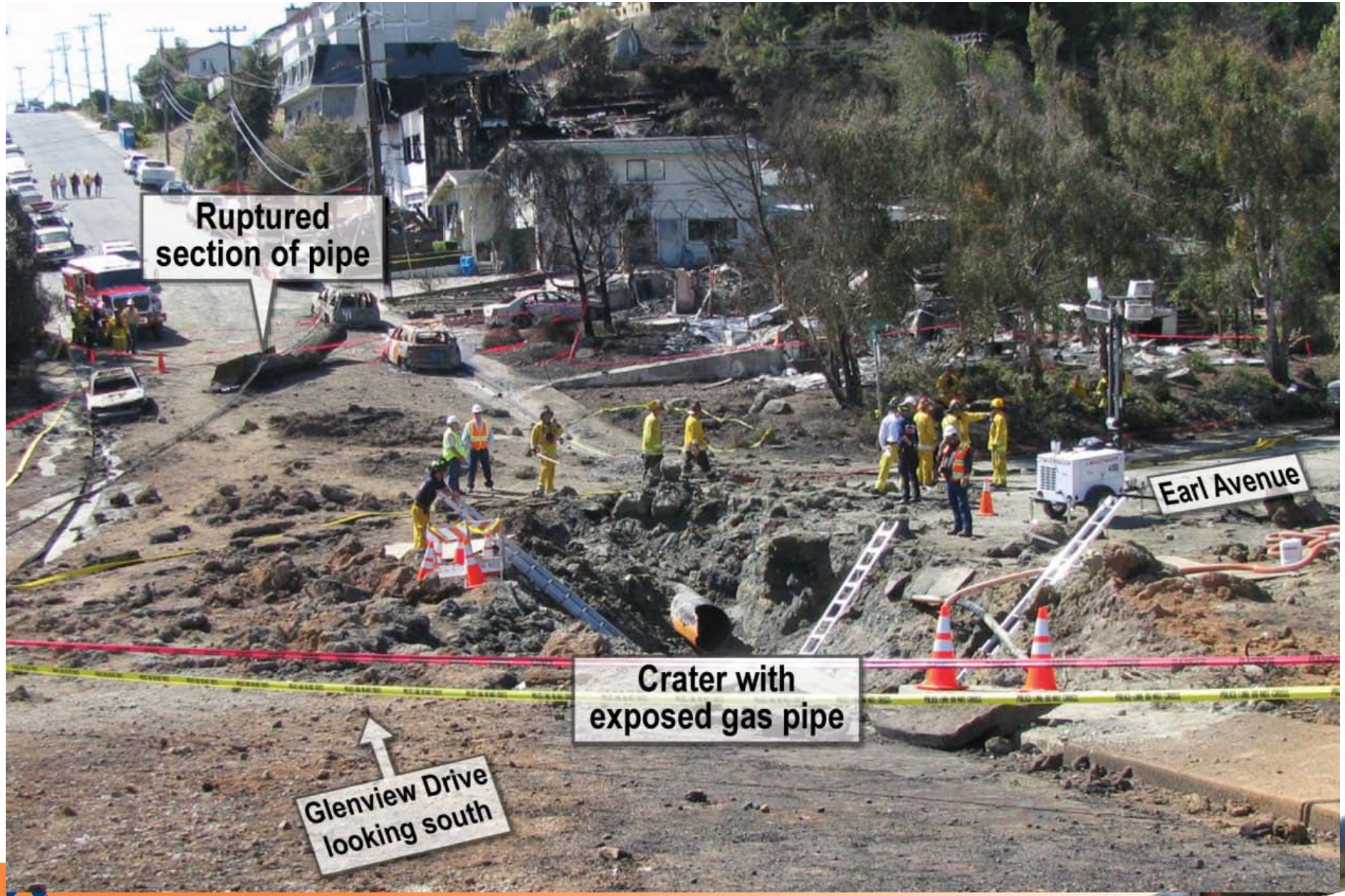
To Protect People and the Environment From the Risks of Hazardous Materials Transportation


Ruptured section of pipe
Earl Avenue
Crater with exposed gas pipe
Glenview Drive looking south

May 15, 2012 Meeting in Sandy Springs

- **Hosted by Sandy Springs Fire Chief Jack McElfish**
- **Over 50 attendees**
- **Steering Committee formed**
- **Local media coverage**

Steering Committee Members

811

Know what's below.
Call before you dig.

GPERI Mission Statement

Advance the ability of Georgia emergency responders to manage pipeline emergencies through improved training, cooperation and communication with pipeline operators

Goals and Objectives of PERIs

- Improve and sustain effective communication among emergency responders and pipeline operators
- Increase emergency responders' awareness of pipelines in their jurisdictions
- Establish a baseline to evaluate pipeline emergency response preparedness
- Identify weaknesses in existing regulatory and emergency response programs and develop solutions
- Develop a sustainable comprehensive pipeline emergency response training program

Alternative Responder Training

- **Pipeline emergency training transferred to fire-based training services**
- **Enhances credibility**
- **Maximizes emergency responder participation**
- **Recognition of specific knowledge needs of responders**
- **Eliminates one-size-fits-all approach to training**

Training Tailored to Rank and Position

Course	Position/Rank	Content
Train the Trainer 16-hour	Hazmat teams, command officers, trainers	In-depth focus on pipeline emergencies; instructor qualification
Command Module 4-hour	Law enforcement, EMS, emergency managers, fire chiefs	Provides strategic awareness; Focused on NIMS & ICS, unified command, Incident Action Plan, pre-planning for incidents
Company Officer & Firefighter Module 8-hour	Rank & file firefighters (volunteer or paid)	Focused on scene safety, initial incident command, size-up, prompt notification of operator, assistance requests, ordering of resources
911 Dispatch Module 4-hour	E-911 operators	Provides detailed information on pipelines in jurisdiction, product risks and hazards, questions to ask when pipeline emergency reported, what to communicate to operators & ERs

Tim Butters Addressing Georgia Fire Chiefs

PHMSA's Finest

Colonial Pipeline Display

GPERI Emphasis on Prevention

- **Response important, but prevention says lives**

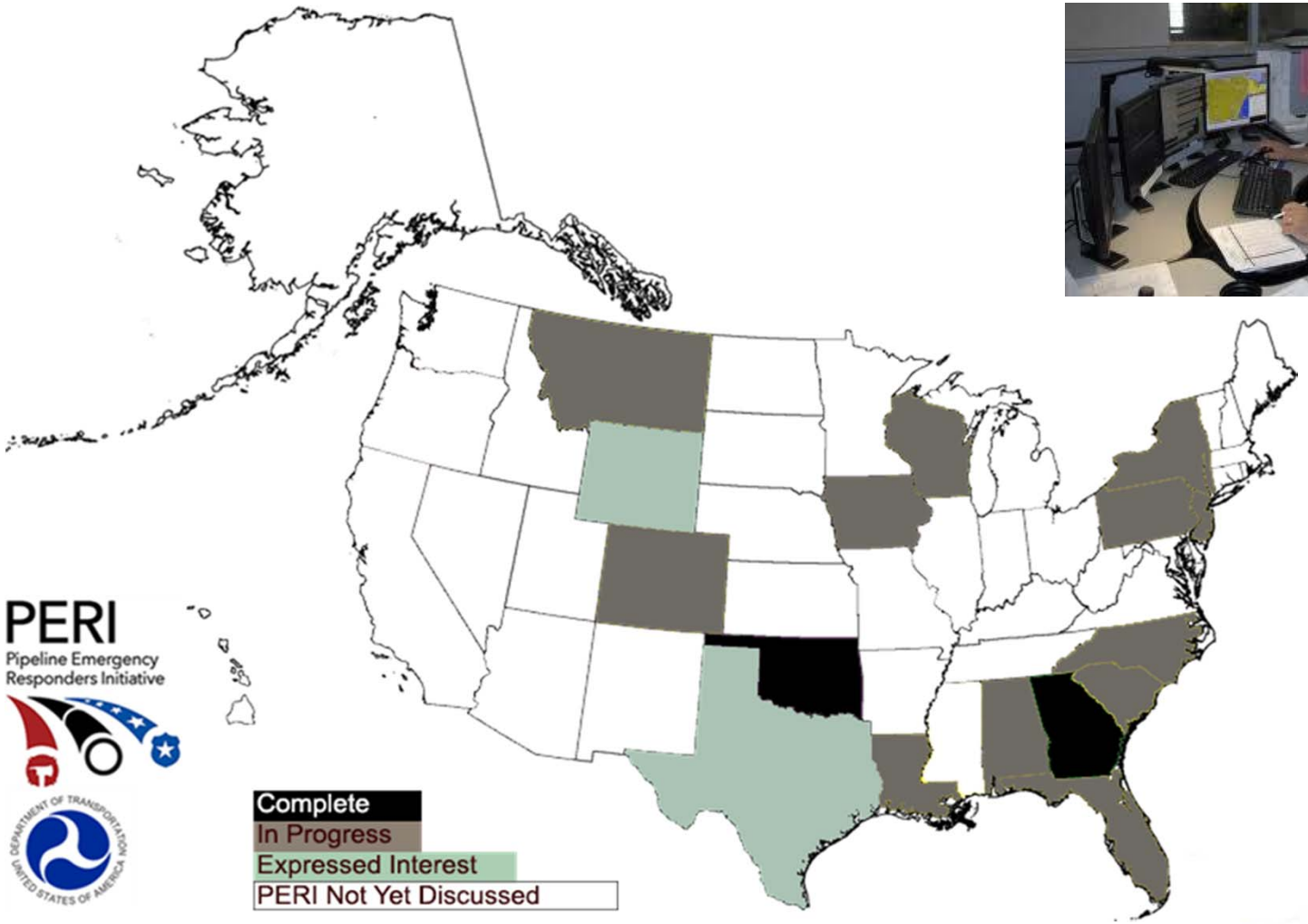
- **Damage Prevention content incorporated into "Pipeline Emergencies" course**

  - **Role & importance of 811**
  - **Underground utility locating process**
  - **Excavation awareness (how to tell if a line has been located at a working job site)**

811

Know what's **below.**
Call before you dig.

Status of PERIs



First Responders Near Pipeline Prep For An Unlikely Event: 'One Hell Of A Boom'

By AMY SISK • SEP 26, 2018

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Chief Bob Rosatti of the Forbes Road Volunteer Fire Department stands alongside a marker for the Texas Eastern Transmission Pipeline, which exploded here in Salem Township in 2016.

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PERI Logos

www.phmsa.dot.gov/pipeline/safety-awareness-and-outreach/PERI

The Value

- Provide sustainable training for first responders
- Place emphasis on pipeline emergency response training
- Establish alternative pipeline emergency response training delivery methods
- Enhance operator emergency responder outreach and liaison programs
- Promote responder awareness of their role in reducing excavation damage incidents

Prepared by
Oklahoma Pipeline Emergency Response Initiative Committee

www.okie811.org
OKIE811
Know what's **below.**
Call before you dig.

THE VALUE OF MEMBERSHIP

OKLAHOMA PIPELINE EMERGENCY RESPONSE INITIATIVE
OKPERI

www.okperi.org

Advance the abilities of the Oklahoma emergency responders and pipeline operators to manage pipeline emergencies through improved training, cooperation, and communication.

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."

What is the mission of OKPERI?

Advance the abilities of the Oklahoma emergency responders and pipeline operators to manage pipeline emergencies through improved training, cooperation, and communication.

Why participate in OKPERI?

Pipeline operators and emergency responders have agreed that there is a need to collaborate on pipeline emergency response training. Life safety, incident stabilization, and property conservation are key objectives to the pipeline emergencies.

This initiative will provide the ability to consolidate the many efforts that currently exist into a single program.

Who are the stakeholders of OKPERI?

Oklahoma pipeline operators, emergency officials, state and federal regulators, public officials, OKIE811, FBI/Homeland Security, tribal governments, etc.

"OKPERI is more than a group of agencies and organizations that respond to pipeline emergencies. OKPERI is an opportunity for those agencies to come together and agree on a common path."

Steve George, OSU-FST
Technical Programs Manager

Cynthia Quarterman, former U.S. Department of Transportation Administrator states, "The Pipeline and Hazardous Material Safety Administration (PHMSA) recognizes that each state is unique and has its own set of challenges in protecting the public and the environment from the risks associated with transporting hazardous materials in pipelines. However, we are highly encouraged by the success of the Georgia initiative and encourage other states to develop similar programs tailored to their needs."

Emergency Responders

The OKPERI provides for emergency responders to take part in the development of pipeline emergency response training alongside pipeline operators. This relationship will allow for the creation of quality training that is truly relevant to the emergency responders and the needs of pipeline operators in their response areas. With quality training, first responders will have a better understanding of their roles and tactics during a pipeline response, as well as the need to prepare and plan for pipeline emergency response.

Steve George, OSU-FST Technical Programs Manager states, "OKPERI is more than a group of agencies and organizations that respond to pipeline emergencies. OKPERI is an opportunity for those agencies to come together and agree on a common path: a path that each can take; a path that will arrive at a common goal, while taking steps that must be made for the individual organizations. OKPERI truly is about traveling "common ground."

How is the mission carried out?

The mission is carried out by providing training developed, managed and documented through Oklahoma State University - Fire Service Training (OSU-FST) and Council on Law Enforcement Education and Training (CLEET), and designed for Emergency Officials and those responding to a pipeline emergency. This improves the engagement of the Emergency Responders by involving them in the process of determining the training locations and travelling as necessary.

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PERI Workgroup

- **Let operators know may meet regulatory requirements if PERI participation**

- **Review regulatory requirements and issue guidance/ADB**

- **Outreach strategy**

Challenges Moving Forward with PERI

- Providing sustainable pipeline safety training for ERs
- Overcoming low priority placed on pipeline emergencies training
- Key emergency responder participation
- Meeting logistics
- Increased demands on time of ERs
- Establishing baseline to measure progress
- Establishing entity and funding to sustain program

Get Involved

✓ PHMSA's PERI Website

www.phmsa.dot.gov/pipeline/safety-awareness-and-outreach/PERI

✓ PHMSA Community Liaison contact info:

https://primis.phmsa.dot.gov/comm/cats.htm

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