

Summary of the PIPES Act of 2020

Florida Pipeline Safety Workshop
August 3, 2021

Office of Pipeline Safety
PHMSA



PIPES Act of 2020 Overview

- Protecting our Infrastructure of Pipelines and Safety (PIPES) Act of 2020 signed December 27, 2020
- Reauthorizes the pipeline safety program through fiscal year 2023
- Includes 38 mandates advancing pipeline safety, environmental protection, technology innovation, effective and efficient government, and workforce development



Enhance Pipeline Safety

Topic	Section	Summary	Deadline
Idle Pipelines	109	Issue regulations prescribing the applicability of the pipeline safety requirements to idled natural or other gas transmission and hazardous liquid pipelines (new rule)	12/27/2022
Liquefied Natural Gas Facilities	110	Review and update LNG regulations found in 49 CFR Part 193 to include large scale liquefaction facilities (existing rule)	12/27/2023
Gas Gathering	112(a)	Prioritize and issue final rule on gas gathering systems (existing rule)	3/27/2021
Class Location	115(a)(2)	Directs PHMSA to use advisory committee procedures to determine whether to advance rulemaking on class locations (existing rule)	12/27/2021



Enhance Pipeline Safety (cont.)

Topic	Section	Summary	Deadline
Integrity Management for Distribution Pipelines	122	Conduct a study of integrity management methods to determine those which would provide a greater level of safety than direct assessments of distribution systems	12/27/2022
Gas Distribution System Safety	202, 203, 204 and 206	Leonel Rondon Pipeline Safety Act – requires issuance of specific regulations to improve gas distribution system safety (new rule)	206 – 12/27/2021 202, 203 and 204 - 12/27/2022
Distribution Pipelines - Safety Management Systems	205	Submit a report on the number of distribution operators who have implemented a safety management system in accordance with API RP 1173 and other provisions	12/27/2023



Protecting the Environment

Topic	Section	Summary	Deadline
Leak Detection and Repair	113	Require leak detection and repair on gas gathering and transmission pipelines (new rule)	12/27/2021
Minimizing Release of Natural Gas	114	Phased mandate - Operators update plans (self-executing); PHMSA study technologies; PHMSA and States inspect/enforce plans; GAO study PHMSA and states inspection program and make recommendations; PHMSA and states report on implementing recommendations	12/27/2021 – update plans 6/22/2022 – PHMSA Study 12/27/2022 – inspect plans 12/27/2023 – GAO study
Environmental Benefits	118	Include environmental benefits in justifying cost of regulations	Immediate
National Academies of Science (NAS) Valve Study	119	Enter into an agreement with NAS to study automatic and remote-controlled shut-off valves	12/27/2022



Protecting the Environment (cont.)

Topic	Section	Summary	Deadline
Unusually Sensitive Areas (USAs)	120(c)	Expands definition of USAs for certain coastal waters. The Secretary shall complete the revision to regulations under section 19(b) of the PIPES Act of 2016 no later than 90 days (existing rule)	3/27/2021
Hazardous Liquid (HL) Pipeline Integrity Assessments	120(d)	Deep water HL pipeline operators required to assess potential impacts by maritime equipment or other vessels, including anchors, anchor chains, or any other attached equipment every 12 months as part of their integrity assessments (self-executing)	Recurring



Technology Innovation

Topic	Section	Summary	Deadline
Operators Testing Programs	104	Authorizes establishment of limited safety enhancement testing programs to evaluate innovative technologies and operational practices for natural gas and hazardous liquid pipelines. Specifies review process and public notice and study of applicability of testing in HCAs	Unspecified
Pipeline Safety Testing Enhancement Study and Report	105	Study and submit report to Congress on R&D capabilities of PHMSA and whether an independent pipeline testing facility is critical	12/27/2022
National Center of Excellence for LNG Safety	111(c)	Submit a report detailing the resources necessary to establish the Center, how the Center will carry out functions, and potential costs of the Center	12/27/2022



Effective and Efficient Oversight

Topic	Section	Summary	Deadline
Technical Assistance Grant Eligibility	101(e)	Adds definition of "technical assistance" and refines eligibility to nonprofit applicants (self-executing)	Immediate
Regulatory Update Status	106	Publish on the website the status of each outstanding rulemaking mandate	Ongoing – every 30 days
Enforcement Proceedings	108	Allows respondents in enforcement proceedings to request consent agreements	Unspecified
GAO Review - Collection and Recording Enforcement Information	108(b)(3)	Review information on pipeline enforcement actions PHMSA makes publicly available on the internet and submit a report to Congress	10/27/2022
GAO Review - Gas Gathering Geospatial and Technical Data	112(b)	Review and analyze geospatial and technical data collected by operators of gathering lines	12/27/2021



Effective and Efficient Oversight (cont.)

Topic	Section	Summary	Deadline
Whistleblower Protection	116	Expands whistle-blower protections to include former employees and precludes whistleblowers from any agreement, policy, form, or condition of employment, including pre-dispute arbitration agreements (self-executing)	Immediate
Drug and alcohol enforcement procedures	117(a)	Amend the auditing program for the drug and alcohol regulations found in 49 CFR Part 199 to improve efficiency and processes for those regulated	6/27/2022
Safety Related Condition Reports (SRCR)	121	Self-executing provision to provide SRCR to Secretary, States and Tribes within 5 days. May require amendments to PHMSA regulations	Immediate



Section 114

PIPES ACT of 2020

- Self-executing mandate applies to all operators
- Operators must update their inspection and maintenance plans
 - Minimize releases of natural gas beyond the existing requirement to promptly repair hazardous leaks
 - Plans to replace or remediate leak-prone pipe
- Operators have until December 27, 2021 to comply



Advisory Bulletin

June 4, 2021

- Procedures to prevent and mitigate both intentional, vented emissions and unintentional, fugitive emissions of methane
- Plans to replace or remediate cast iron, unprotected steel, certain vintage plastic and other legacy materials
- Plans must continue to address public safety and the protection of the environment
- <https://www.phmsa.dot.gov/news/PHMSA-Advisory-on-Addressing-Hazardous-Pipeline-Facility-Leaks>



PHMSA/States Inspect Plans

- Inspections to occur in 2022
- Determine if the plans adequately address mandates in PIPES Act of 2020



Leonel Rondon Pipeline Safety Act

- **Distribution Integrity Management Plans.** Issue **regulations** to ensure distribution integrity management plans evaluate risks from cast iron pipes and mains and risk to low-pressure systems
- **State Pipeline Safety Program Certifications.** Adds provisions to the certification process found in 49 U.S.C. § 60105(b) and requires the Secretary to issue **regulations** requiring a State authority to have sufficient qualified inspectors
- **Emergency response plans.** Adds provisions for emergency response plans in 49 U.S.C. § 60102 and requires the Secretary to issue **regulations** requiring written procedures for communications with first responders, public officials and the general public



Leonel Rondon Pipeline Safety Act (Continued)

- **Operations and maintenance manuals.** Issue **regulations** to ensure each procedural manual for operations, maintenance and emergencies include written procedures for responding to over-pressurization and detailed procedures for the management of change
- **Pipeline safety management systems (PSMS).** The Secretary shall submit a **report** on the number of natural gas distribution operators who have implemented a PSMS in accordance with API Recommend Practice (RP) 1173 and other provisions



PSMS Report

- Report to Congress by December 2023
- The report must include:
 - The number of natural gas distribution operators who have implemented a PSMS in accordance with RP 1173
 - The progress made by operators who have implemented or are in the process of implementing a PSMS
 - The feasibility of an operator implementing a PSMS based on the size of the operator as measured by:
 - (A) the number of customers the operator has, and
 - (B) the amount of natural gas the operator transports
- PHMSA's Expectation: Adoption of PSMS by the pipeline industry



Leonel Rondon Pipeline Safety Act (Continued)

- **Pipeline safety practices.** Issue **regulations** requiring:
 - traceable, reliable and complete records and the records are accessible;
 - not less than 1 qualified agent of operator of a distribution system to monitor gas pressure at the district regulator station, except for a district regulating station that has a monitoring system and capability for a remote or automatic shutoff; and
 - to assess and update, as appropriate, each district regulator station to ensure that risk of overpressure is minimized; low-pressure distribution systems are monitored; has overpressure protections; and if not feasible plans to minimize risk



Where to Find the Act

- Complete Consolidated Appropriations Act online [here](#) (includes PIPES Act of 2020 beginning on page 2,634 of the .pdf; PHMSA FY2021 appropriation begins on page 1,693)



Questions

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