



Energy Piping Systems Division Washington Pipeline First Quarter 2019

PHMSA Issues Final Rule on Plastic Pipe, then Suspends Enforcement

On November 20, 2018, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a widely-anticipated final rule regarding the use of plastic piping systems in the transportation of natural gas. According to PHMSA, the rule was necessary “to enhance pipeline safety, adopt innovative technologies and best practices, and respond to petitions from stakeholders,” (including PPI).

The final rule includes a wide range of regulatory adjustments, many of which have been top priorities of PPI for a long time. Provisions of the final rule include:

- increasing the design factor of polyethylene pipe from 0.32 to 0.40 for PE2708/PE4710 materials;
- increasing the maximum pressure and diameter for Polyamide-11 pipe and components;
- allowing the use of Polyamide-12 pipe and components;
- new standards for risers, more stringent standards for plastic fittings and joints, including requiring factory assembled anodeless risers to be designed and tested in accordance with ASTM F1973-13 (IBR §192.7);
- Marking requirements, including requiring that all physical markings prescribed in the specification are legible until the time of installation;
- stronger mechanical fitting requirements;
- incorporation by reference (IBR) of certain new or updated consensus standards for pipe, fittings, and other components; and
- qualification requirements related to procedures and personnel for joining plastic pipe, including requiring that all heat fusion pipe, except for electrofusion joints, must comply with ASTM F2620-12.

While the plastics pipe rule has been referred to as “a deregulatory action” by PHMSA as well as industry groups, challenges related to implementation of certain requirements were quickly raised. A month after the final rule was released, the American Gas Association (AGA) filed a petition for reconsideration on the final rule, raising concerns about the ability of operators to fully implement the rule by the effective date of January 22, 2019.

AGA raised specific concerns regarding to the time needed to implement training, operator qualification program adjustments, modifications to processes and availability of equipment from third party suppliers. Because of the government shutdown earlier this year, PHMSA lacked the federal funding needed to process AGA’s request before the effective date and therefore reported that they would “suspend enforcement action on the new rule implementation date and recommend state regulators exercise similar discretion.”

On March 1, PMSA granted AGA’s request and extended the compliance deadlines established in the final rule, allowing an additional 90 days to implement changes needed to comply with training and operator qualification program requirements and allow operators to work with equipment suppliers to meet other rule changes. PHMSA also granted an additional six months to comply with new requirements related to the development of new programs. PHMSA also pushed the deadline for using Category 1 fittings on plastic to metallic connections of pipe 4 inches or more in diameter to January 22, 2020.

Senate Leaders, Pipeline Industry Push for Movement of First Chapter of “Mega Rule”

PPI has regularly reported on PHMSA’s proposed rule entitled “Safety of Gas Transmission and Gathering Pipelines” (known in the industry as the “Mega Rule”), which would make significant changes to the pipeline safety regulations on onshore natural gas transmission and gathering pipelines. Last March, PHMSA announced at a meeting of the Gas Pipeline Advisory Committee (GPAC) that the Mega Rule has been split into three separate measures, all to be released as individual final rules. The final rules will include:

1. MAOP Reconfirmation, Expansion of Assessments and other related issues;
2. Repair Criteria; and
3. Expansion of regulations to additional Gas Gathering Lines

In what many consider an unexpected move, four pipeline associations and two pipeline ‘watchdog’ groups sent a letter in early February to DOT Secretary Elaine Chao encouraging action on the first of the three new rules. This unusual coalition agreed that the rule “advance gas transmission pipeline safety by defining specific requirements to facilitate the use of 21st-century pipeline safety technologies and processes.”

All groups signed on the letter are members of PHMSA’s advisory committees, including the Interstate Natural Gas Association of America, American Gas Association, American Petroleum Institute, American Public Gas Association, Pipeline Safety Trust, and Pipeline Safety Coalition. While having these organizations signing on any letter was surprising, the say the least, many insiders believed the idea was to get this rule finalized before the next pipeline reauthorization debate begins later this year. According to this unlikely coalition of stakeholders, the “rule provides a foundation upon which PHMSA can better promote the utilization of modern pipeline inspection technologies, recognizing the safety, environmental, and consumer benefits that such technologies can provide.”

On March 6, Sens. Roger Wicker (R-Miss.) and Maria Cantwell (D-Wash.) of the Senate Commerce, Science and Transportation Committee and Sens. Deb Fisher (R-Neb.) and Tammy Duckworth (D-Wisc.) of the Subcommittee on Transportation and Safety sent a letter to Secretary Chao as well as PHMSA Administrator Howard “Skip” Elliott echoing the industry’s urging PHMSA to complete the pending final rule applicable for gas transmission pipelines.

The letter is yet another call for PHMSA to finalize regulations mandated by the Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act, which authorizes PHMSA programs through the end of FY 2019. “Given its significance,” the senators said, “we ask you to expedite the completion of this rulemaking so that Congress may account for its changes to gas transmission pipeline safety in discussion the reauthorization of the PIPES Act.”

PHMSA Schedules Next PAC Meetings – Gas Gathering Provisions to be Considered

After several postponements, PHMSA announced that the Gas Pipeline Advisory Committee (GPAC) will meet on June 25-26 to consider the gathering line component of the gas “Mega Rule” issued in April 2016. The rule is expected to significantly revise PHMSA’s regulations applicable to gas transmission and gathering pipelines. The Committee is expected to address reporting requirements, safety regulations for Class 1 gathering lines, and definitions related to gas gathering.

Through extensive comments submitted to the proposed rule, the association made its position perfectly clear, stating that “PPI opposes any changes to the 49 C.F.R. part 192 that may hinder or eliminate the use of PE, PA, or spoolable composite piping, thereby, reducing the overall safety of the gas gathering systems and discourage the use of new technologies.” While PPI is monitoring several provisions on the consideration table, the association’s primary interest remains on new language that would expand regulations and reporting requirements to certain gas gathering lines and PPI will be well represented at the GPAC meeting in June.