November 25, 2015

VIA ELECTRONIC FILING

PHMSA Docket No. PHMSA-2014-0092
Docket Management System
U.S. Department of Transportation (DOT)
1200 New Jersey Avenue SE.
West Building, Room W12-140
Washington, DC 20590

Re: Comments of Gas Processors Association on the NOPR “Request for Revision of a Previously Approved Information Collection—National Pipeline Mapping System Program” (OMB Control No. 2137–0596)

Dear Administrator:

The Gas Processors Association (“GPA”) is a non-profit trade organization made up of over 100 corporate members. GPA has served the U.S. energy industry since 1921 as an incorporated non-profit trade association. Our members are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as “midstream activities.” Such processing includes the removal of impurities from the raw gas stream produced at the wellhead, as well as the extraction for sale of natural gas liquid products (NGLs) such as ethane, propane, butane, and natural gasoline. GPA’s membership accounts for more than 90% of all NGLs produced by the midstream energy sector in the United States.

On August 27, 2015, a Notice of Proposed Rulemaking (“Notice”) was published in the Federal Register concerning proposed changes to information collection through the National Pipeline Mapping System. The Pipeline and Hazardous Materials Safety Administration (PHMSA) then held public meetings to discuss the proposal and ways to decrease the burden of the proposed provision on operators.

GPA appreciates the opportunity to submit comments to the docket as the proposed new, expanded requirements for detailed information place a significant burden on its members. In addition to its previously submitted response, GPA has developed the following additional comments to the Notice. These responses supplement those previously submitted by GPA and are not a substitution of those comments. GPA stands willing to work with PHMSA and other stakeholders to provide feedback as to meaningful data collection that assists with meaningful emergency response preparedness.

General Lack of Supporting Detail

GPA supports continuing efforts to assist local emergency responders who desire and need to work directly with local pipeline operators when responding to pipeline or other related incidents. To that end, the lack of any supporting comments to date from emergency response organizations,
even those with whom PHMSA works closely, indicates that the data gathering efforts proposed will have negligible impact on emergency responder NPMS activity or response times. To the contrary, local emergency responders routinely and repeatedly stress the importance of the current liaison programs already in place with pipeline operators through established Public Awareness Programs. It is these Public Awareness Programs that ensure pipeline operators and the emergency response community develop and maintain actively open dialogues, in lieu of PHMSA’s proposed “point and click” mapping systems which are routinely subject to error, outdated material and maintenance downtime. In the recent past, the pipeline community itself has waited weeks and in some cases months between their data submittals and the ability to QA/QC pipeline attribute information appearing in the National Pipeline Mapping System.

While GPA stands behind its previous argument that providing the locations of certain facilities is beyond the scope of PHMSA’s jurisdiction, GPA member companies feel there is already more than adequate information contained in PHMSA’s NPMS, Integrity Management, and Violations & Enforcement databases to assist in prioritizing audits and analyzing the necessity and scope for future rulemakings. It is conceivable that some small regulated pipeline operators are not currently submitting data to PHMSA, and would continue to fail to follow prior and current data gathering efforts. To that end, GPA supports PHMSA’s efforts to fill all open pipeline inspector positions whereby pipeline safety will be strengthened by having “boots on the ground” in locations not routinely visited by trained inspectors.

**The Implementation Cost Assumptions are Simply Wrong and Grossly Underestimated**

The cost of any regulatory proposal is understandably the subject of discussion and comment. The question of cost in this case relates to several aspects of the Notice and includes the actual and measurable benefit from implementing such requirements, the highest and best use of funds, and whether the desired outcomes of the increased data collection can be achieved through other more cost effective means. Potentially the most important question that must be asked is whether the information collection being requested will actually result in measureable pipeline safety.

When considering the new data points being requested by PHMSA, it is extremely difficult to justify the cost and overall dedication of resources in order to provide the same information to PHMSA that is in some cases already being provided in a different format. GPA has reviewed the cost estimates submitted by Energy Transfer, and agrees that there is ample information available to support a $4,000-$5,000 per-mile cost range estimate just for acquiring additional centerline accuracy data. This data acquisition, estimated to cost $600 million initially, must be added to the costs associated with obtaining and confirming the more stringent accuracy for the additional 27 proposed attributes. Even if we conservatively assume that the additional attributes gathered are incremental in nature to (re)obtaining the centerline data, and cap the incremental costs each at 1% of the centerline total, the all-in initial cost to industry would be in excess of three-quarters of a billion dollars simply to populate a mapping database. This is a database which by all accounts will likely not be used for the primary purpose of aiding local officials in emergency response activities.

**Data Collection Requirements For Facilities Outside Jurisdiction**

The Notice proposes the collection of information regarding the location of several types of facilities other than pipelines, including refineries, processing and treatment plant facilities, break-out tanks, and pump and compressor stations for hazardous liquids and natural gas operators, respectively.

The primary reason stated for this collection is emergency response preparedness, in addition to particular facilities being referenced as the demarcation of regulatory jurisdiction. GPA submits
that most all of this information concerns facilities not subject to PHMSA's current jurisdiction, and that the information collection proposed in the Notice should be further clarified to ensure its applicability to only those facilities currently subject to the regulatory requirements established under 49 CFR 192 and 195.

GPA respectfully suggests that providing information regarding the location of refineries, processing plants, and treatment facilities is not within PHMSA's current purview. Subjecting these types of facilities to regulatory requirements will lead to confusion about jurisdiction, regulatory fines and penalties.

Additionally, some of the facilities identified (for example, valves, storage facilities, pumps and compressor stations) are only subject to regulatory requirements when certain conditions are met. GPA therefore recommends that additional language be added to clarify that only facilities subject to the regulatory requirements found in 49 CFR 192 and 195 must be submitted to NPMS.

Lastly, PHMSA has requested operators submit information on abandoned pipelines on a prospective basis. This request defeats the very purpose of abandoning a pipeline. In many cases when an operator abandons a pipeline, all rights relating to the pipeline are conveyed back to the landowner pursuant to the easement agreement. At that point, the operator has no right or remaining obligation regarding the facility. Operators do retain operational records pertaining to these facilities for the periods required by 49 CFR 192 and 195, but anything beyond this is not routinely collected or retained by operators, and would be unreasonable in light of an operator's legal responsibilities following abandonment of a pipeline facility.

The proposed provision creates a significant burden on operators, requiring the retention of records for pipelines for which they are no longer responsible as the pipeline reverts back to the landowner. Further, if existing records were not available, or acquisitions occur, the likelihood of complete files being transferred from operator to operator over time is unlikely.

For these reasons, GPA respectfully asks that the abandonment notification provision be removed.

**Emergency Preparedness**

GPA recognizes, and supports, the increased attention that operators and PHMSA are paying to emergency preparedness and response. The industry has a solid, and improving, record of safe operations. However, it is critical that operators and communities are prepared to handle a pipeline-related emergency. That being said, simply providing additional detail on maps or information related to pipeline operations will not improve emergency preparedness or response efficacy. Emergency preparedness and corresponding response can only be meaningfully addressed through two-way communication between the operator and the appropriate emergency response agencies.

Providing technical information to emergency responders does not guarantee they will know how to utilize the information. For example, knowing the pressure and diameter of a liquid line will not offer the spill modeling information necessary to coordinate or implement an emergency response plan. Additionally, knowing the pipe material, pipe-joining method, year of construction, or recent testing results does not assist responders. Moreover, even if this information were to be provided, there is no guarantee emergency responders will be able to utilize or interpret this information without the direct assistance of operators.

Emergency response efficacy is highly susceptible to other factors (for example, weather conditions) that cannot be tracked or accounted for in mapping systems. Thus collecting the
information proposed in the Notice has only a limited ability to improve the overall response to an emergency, even in an ideal situation.

A more important question is whether emergency responders have requested or otherwise want all of this information. Responders have acknowledged they are being bombarded with information from the pipeline industry, as well as other industries in addition to their normal response and homeland security responsibilities. Providing additional data that is, at best, ancillary to the needs of emergency responders risks creating a situation in which emergency response efficacy is unnecessarily degraded through information saturation.

Of potentially more importance, however, is the fact that existing public awareness and liaison requirements detail the information to be provided to emergency responders. To the extent such requirements are deemed to be inadequate as they currently exist, they should be revised and amended to address relevant concerns. Operators have learned a tremendous amount in recent years about what emergency responders need and want in terms of information relating to pipelines in their communities. Responders desire information specifically pertaining to:

- The commodity being transported;
- The steps they will be asked to take in an emergency;
- What the operator will do to respond; and,
- How the two groups will work to mitigate and control the outcome of a release.

Rather than including these issues in the expanded information collection request, they should instead be addressed via the existing regulations pertaining to emergency response liaison requirements.

**National Security Threats via the NPMS**

Many issues have been raised by industry concerning the security of the data to be provided. Significant time was spent on this subject at the public workshop in D.C., and numerous comments have been submitted to the docket concerning the issue. Given all of the concerns raised, and those outlined below, it is critical PHMSA adequately and appropriately addresses these issues before adopting any final requirements.

As stated by many, some of the information being requested is sensitive for reasons pertaining to security, while others object due to the proprietary nature of the information. Regardless of the specific reasons stated, GPA would like to stress that compiling the information in a single location raises exponentially the ability to obtain the information for purposes other than the intended use. It is far more difficult to obtain and abuse this sensitive data if it is spread among multiple locations not directly connected or affiliated with one another.

GPA stresses that there must be systems in place to guarantee the security of the sensitive information being provided to PHMSA. Furthermore, any such system must be thoroughly vetted, tested, and actively reviewed by industry to ensure that such information is indeed secured and remains secure in the future.

Lastly, prior to any expanded data collection, GPA requests that PHMSA work with the appropriate federal agencies to qualitatively and quantitatively assess the risks posed to the public and to national security should a data breach result in a coordinated attack on the nation’s pipeline infrastructure.

**Conclusion**
The goals identified by PHMSA are admirable and shared by GPA and industry. However, as currently proposed, PHMSA's compulsory data collection request is excessive, encompassing virtually every aspect of a pipeline's profile, many elements of which do nothing to further PHMSA's stated goals.

Regardless, there must be a balance between the cost and burden of providing information in the format requested by PHMSA (in this case GIS) with the benefit that results from the exercise. As the current Notice would result in the most comprehensive set of pipeline data ever collected by PHMSA, the potential, and very real, threat to data security is significant. This, coupled with the known cost of collecting and maintaining information of this nature to the level of accuracy being requested, is simply not realistic especially when taking into consideration the overall focus on issues directly impacting the operational safety of pipeline systems. Operators are dedicating billions of dollars to confirming and maintaining the integrity of their systems. Placing a significant new burden on limited resources is not prudent, especially when the new requirements would not result in the increased safety of the systems.

We hope that the issues outlined in these comments provide perspectives to be considered when PHMSA evaluates a more meaningful method for meeting its stated objectives. After the meeting in D.C. we are hopeful that PHMSA will reconsider its Notice and instead establish a working group of representative operators to discuss what information is necessary and truly beneficial to stakeholders. Once this is determined, a revised Notice can be put forward for comment and ultimately implemented in a reasonable manner.

Please contact me if GPA can be of assistance to PHMSA as this effort moves forward. I can be reached by phone at (202)279-1664 or by email at mhite@gpaglobal.org.

Sincerely,

Matthew Hite  
Vice President of Government Affairs