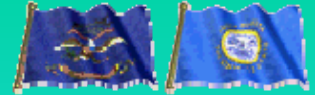




2010 North Dakota/South Dakota Pipeline Safety Seminar

April 13-14, 2010





Wayne F. St. Germain

YOUR INSTRUCTOR



WELCOME

P-VS Training & Qualifications
6501 South Meridian Blvd.
P. O. Box 25082 (PHP-70)
MPB Room 335D
Oklahoma City, OK 73125-0082

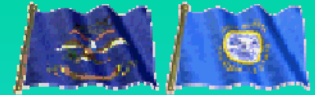


PHMSA Training & Qualification

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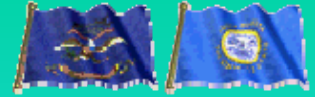
Fax: (405) 954-0206



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Safety Administration

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Regulation Construction

◆Part

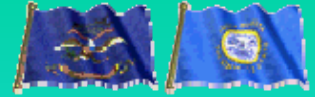
◆Subpart

◆Section

◆Paragraph

◆Subparagraph





Corrosion Regulations

- ◆ Part 192
- ◆ Subpart I
- ◆ Part 195
- ◆ Subpart H



Types of Regulatory Language in 192



No Smoking



Specification

VS.

Performance



Specification Regulations

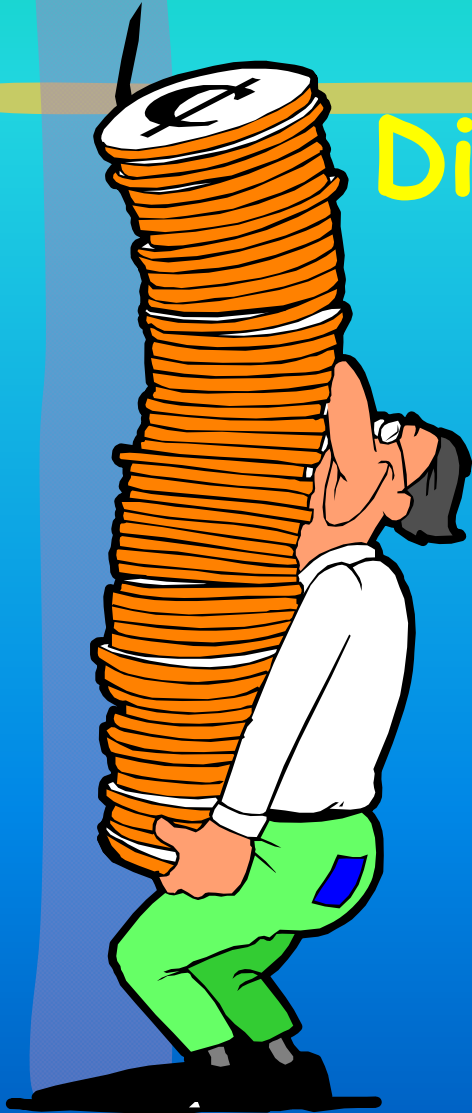
Advantages:

- ◆ Easy to Determine Compliance
- ◆ Easy to Determine a Course of Action
- ◆ Uniformity of Means of Compliance

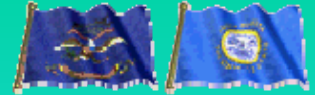


Specification Regulations

Disadvantages



- ◆ Do Not Specify Level of Safety
- ◆ Do Not Allow for Variations in Environment, Operating, or Physical Characteristics
- ◆ May Require Unnecessary Cost
- ◆ Do Not Encourage Technology



Performance Regulations

Advantages

- ◆ Allow for Adaptation to an Individual Situation
- ◆ Encourage Development of New Equipment
- ◆ Allow Economical Solutions to Achieve the Desired Level of Safety
- ◆ Promote Safety and Not the Letter of the Law

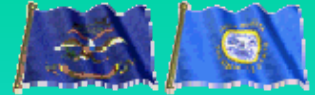


Performance Regulations

Disadvantages

- ◆ Difficult to Determine Compliance
- ◆ Some operators may not understand exactly what is required, and attempts to comply may result in problems that could jeopardize safety





"Process" Regulations

New Initiative ~ IM, OQ, PA

"Common Threads"

- ◆ Formal Written Program
- ◆ Management Commitment & Support
- ◆ Defined Roles & Responsibilities
- ◆ Use of Industry Standards
- ◆ Long-term vs. Short-term
- ◆ Monitoring Progress
- ◆ Periodic Formal Evaluation & Review
- ◆ Management of Change
- ◆ Continuous Improvement



Regulations

Layout

"Outline Format"

- ◆ Hierarchical layout
 - ◆ organizes the material by subject
 - ◆ underlying text defines the regulatory requirements for each code section



Regulations

Reading and Following the Flow

- ◆ Not just reading from the top to the bottom of the page
 - ◆ **Example:** 49 CFR §192.619 - requires moving through numerous sections of the code to get all the requirements
 - ◆ Paragraph §192.619(a)(1) refers back to Subparts C and D for the design requirements
 - ◆ Then §192.105 (under Subpart C) references six other code sections, which in turn refer to additional sections and back to the starting point



Regulations

Reading and Following the Flow

- ◆ Before starting to move back and forth through the code part, read the complete code section.
- ◆ Exceptions or differing requirements for various types of pipelines or operators may be identified further on in the regulation.



Regulations

Reading and Following the Flow

- ❖ The grammar and construction of the phrases and sentences in the regulations must be examined to understand their full meaning.
- ❖ The gas pipeline regulations have §192.15 rules of regulatory construction, to provide some guidance. It explains the following:



Rules of Regulatory Construction



Includes

May

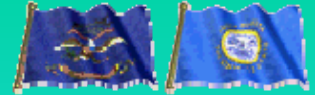
May Not

Shall

Singular - Plural

Masculine -

Feminine



Rules of Regulatory Construction

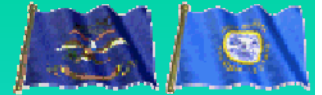
- # "(a) As used in this part:
- # "Includes" means "including but not limited to."
- # "May" means "is permitted to" or "is authorized to."
- # "May not" means "is not permitted to" or "is not authorized to."
- # "Shall" is used in the mandatory and imperative sense.
- # (b) In this part:
- # (1) Words importing the singular include the plural;
- # (2) Words importing the plural include the singular; and,
- # (3) Words importing the masculine gender include the feminine."



Rules of Regulatory Construction



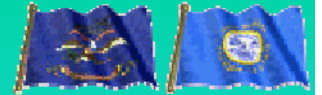
- Part 193 for LNG has a similar section
- However, Part 195 for hazardous liquids does not
- However it is reasonable to conclude that the same concepts would apply



Rules of Regulatory Construction

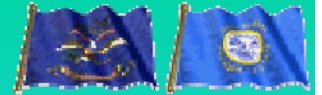
Guideposts

- # Two small words, **or** along with **and**, as well as the **semicolon** play a big part in defining regulatory requirements



Rules of Regulatory Construction Guideposts

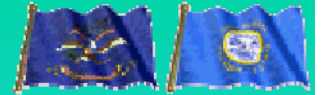
- # The **semicolon** is used to link together all the clauses on the same outline level
- # If an **and** is used in the next to last clause, then all clauses are tied together with **and**
- # All the items listed are required



Rules of Regulatory Construction

Guideposts

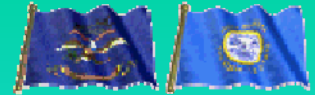
- # If an **or** is used, that is what ties the clauses together
- # Not all the items in the list may be required, or the operator may have a choice of actions for compliance



Rules of Regulatory Construction

Guideposts

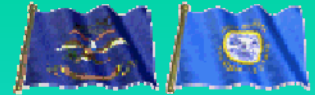
- # Paragraph (d) in the Public Awareness regulation (§192.616 and §195.440) is a good example, listing five educational elements of an operator's plan.
- # The **semicolon** along with an **and** in (d)(4) indicates that all five items are required elements.



Rules of Regulatory Construction

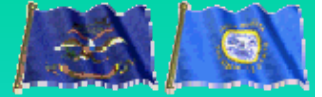
Guideposts

- # The use of **or** provides the operator with options or choices.
- # The definition of transmission line in §192.3 has three criteria for categorizing a pipeline as a transmission line.
- # All three criteria are contained in one paragraph as numbered phrases, but the use of **or** in (2) indicates that a pipeline needs to meet only one of the criteria to be a transmission line.



Rules of Regulatory Construction Guideposts

- # A final example is the definition of "incident" from §191.3 which combines both **and** and **or**.
- # This definition require a "a release of gas" **and** at least one of two additional criteria.
- # The "accident" definition in §195.50 is worded somewhat differently, but still requires a release **and** any one of several additional events.



Waivers Now called Special Permits

A cartoon illustration of a hand holding a white sign with the text "You are Excused" written in purple.

*You are
Excused*

Operator can be Waived from
Compliance with a Safety Standard
by means of a Special Permit

Intrastate - Petition to State

**Interstate - Petition to Regional
Office**



Alert Notices & Advisory Bulletins

- Alert Notices, a notice of a situation of immediate safety concern
- Advisory Bulletins, an advisory not of immediate safety concern.



Alert Notices & Advisory Bulletins

- # PHMSA uses Advisory Bulletins to inform affected pipeline operators and all Federal and state pipeline safety personnel of matters that have the potential of becoming safety and/or environmental risks.



For Better Understanding

- # Interpretations offer some clues
 - only apply only to the specific situation addressed in each operator's request.
- # Waivers and Advisory Bulletins can also be used to further interpret the objective of the regulation.
- # These types of documents do not exist for every code section.



For Better Understanding

- # Reading the words is easy.
- # Understanding of a rule and its intent for compliance requirements can be a long and multifaceted process.



For Better Understanding

- # Reading the regulation in its entirety, paying close attention to the small details, as well as other available documents, are all necessary tasks in understanding and complying with the regulations.



Information Available from PHMSA

- ◆ Latest News
- ◆ Training Calendar
- ◆ Joint Industry Training
- ◆ Operator Qualification
- ◆ Resource Links
- Regulatory Information
- Codes
- Pipeline Safety Laws
- Federal Regulatory Information



PHMSA Information Websites

PHMSA Training and Qualification

<http://www.phmsa.dot.gov/pipeline/TQ>

PHMSA Pipeline Safety Regulations

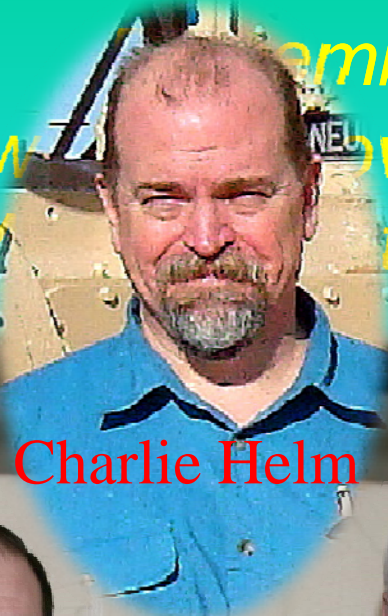
**[http://www.phmsa.dot.gov/pipeline/TQ/
Regulations](http://www.phmsa.dot.gov/pipeline/TQ/Regulations)**

PHMSA Rulemaking

**[http://www.phmsa.dot.gov/pipeline/regs
/rulemaking](http://www.phmsa.dot.gov/pipeline/regs/rulemaking)**



ember,
We're w...overnment And
V...to Help!



Charlie Helm

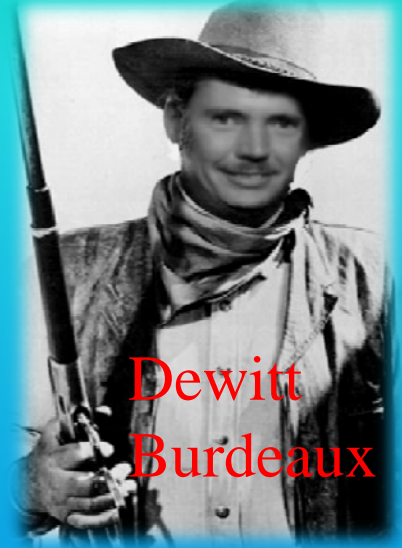


Lane Miller

John West

Wayne St. Germain

Wally McGaughey



Dewitt Burdeaux



Mary Friend



Pipeline Safety Websites

ops.dot.gov

primis.phmsa.dot.gov