

APCA GOVERNMENT RELATIONS

AMERICAN PIPELINE CONTRACTORS ASSOCIATION

2019 CONVENTION – MARCH 31, 2019

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PRINCIPAL, WYMAN ASSOCIATES

OVERVIEW

- Pipeline Safety Reauthorization
- CWA Sec. 401 Updates
- DOT Hours-of-Service Regulations
- Tariffs
- Pipeline Safety Management Systems
- DOT Gas Transmission and Gathering Rule

PIPELINE SAFETY REAUTHORIZATION

Merrimack Valley Incident

- Overpressure Protection
- Construction Issues
- Shutdown Valves, Communication
- Incomplete Rules from Prior Mandates
- Cybersecurity
- Safety Management Systems?




PIPELINE SAFETY REAUTHORIZATION

Criminal Protests

- “Knowingly and willfully” damaging OR trespass or enter property
- “Persons found to have committed any of these crimes the conspiring organization shall be punished by a fine that is 10 times the amount”
- “Operations” and “Construction” of Facility

IBR Review

- Require PHMSA to “update certain pipeline safety standards on an annual basis”
 - If no action, DOT required to explain why
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PIPELINE SAFETY REAUTHORIZATION

Damage Prevention Technologies

- PIPES Act of 2016 – Mandate to develop study on “improving existing damage prevention programs through technological improvements in location, mapping, excavation, and communications practices to prevent excavation damage...”
- Study Recommendations include:
 - Improve & implement GPS/GIS technologies
 - Universal Participation in One-Call Process
 - Pursue Improvements in Locating Processes and Techs
- **Pending Hearings**

DEVELOPMENTS RE: CWA 401 AUTHORITY

- White House Action?
 - New EO Addressing Problems in NY?
- Recent Court Action
 - *Hoopa Valley Tribe v. FERC*
- Legislation - Pipeline Certification Improvements Act
 - CWA 401 limited to water quality only
 - Consider only discharges caused by federal permitting activity
 - Clear requirements and make final decisions based on water quality only
 - Inform project applicant whether all materials needed within 90 days

HOURS-OF-SERVICE



- Establishment of new Coalition
 - Excavation Contractors align with Highway Lobby
- Comments to FMCSA ANPRM
 - Associations and New Coalition
 - Description of all organizations
 - Description of existing exemptions
 - USV exemption
 - Short-haul exceptions
 - NAPA/NRMCA exception for “perishable product”



Ad Hoc Coalition



Construction Driver Coalition

Minor Fixes” vs. “Uniform Exemption”

- Expand/Harmonize Short-Haul Exemption
 - 12-to-14 hour driving time for 150 air-mile
 - Consistent with long-haul drivers
- Remove “Return to Work Reporting Location” Requirement

Targeted Legislation

- Infrastructure Package
- MAP-21 / Next Highway Bill

Challenges of 116th Congress

HOURS-OF-SERVICE



TARIFFS ON IRON & STEEL



**25% tariff on imported steel
put in place under Section
232 “National Security”**



**Active lobbying with the
National Foreign Trade
Council**



**Support for S. 287 and H.R.
940**

- Bipartisan Support in the Senate and House
- Would require the Department of Defense to review 232 national security requirements
- Tariffs would require Congressional Approval

PIPELINE SAFETY MANAGEMENT SYSTEMS

- SMS is a big focus at PHMSA
- Development of Contractor SMS Template
- API 1173; 1177; AGA White Paper
- Status and Feedback
- Next Steps

PHMSA GAS TRANSMISSION AND GATHERING LINES

- Formerly known as the “Mega Rule”
- Rule Split into Three Final Rules
 - MAOP,
 - Repair Criteria
 - Gas Gathering Rule
- Industry (and watchdogs!) letter encouraging DOT to move on final rules.
- Next GPAC Meeting – June 25-26 at DOT HQ
 - Consideration of gas gathering provisions

OTHER ACTIVITIES

- FERC Draft Guidance on HDD
 - Inadvertent Returns
 - Personnel and Responsibilities
 - Flexibility During Pullback Process
 - Drilling Fluids
 - Preconstruction Activities
 - Contingency Planning

ALLIANCES AND COALITIONS

Customer Base

- INGAA
- INGAA Foundation
- API
- AOPL
- GPA Midstream
- Energy and Equipment Infrastructure Alliance
- Energy Infrastructure Group
- Family Business Coalition
- Coalition for a Democratic Workplace
- Construction Industry Safety Coalition
- Common Ground Alliance (?)
- Ad Hoc Construction Coalition

THANK YOU

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