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Pipeline Industry Fights Safety Regulations for Gas Gathering Pipelines Nationwide

Media Backgrounder, May 2022

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A specific type of pipeline, natural gas gathering pipelines, has been almost entirely unregulated, despite the fact they cause injuries, fatalities, and play an outsized role in methane emissions. And this isn't just a small problem; there are over 450,000 miles of unregulated gas gathering lines throughout the country. This is a rough estimate; since operators have never had to report on their gas gathering pipelines, it is not known precisely how many miles there are in the country. The federal pipeline safety regulator has adopted and published new regulations that went into effect on May 16, 2022, and the pipeline industry has been fighting back with particular intensity, including taking the issue to a federal appellate court.

What is a Gas Gathering Pipeline?

Natural gas gathering pipelines move unprocessed natural gas, comprised almost entirely of methane, away from the point of production, such as a well pad, to another facility for further refinement or to a transmission pipeline. Starting at the production site, natural gas is moved into a gas gathering pipeline. The gathering lines transport natural gas before it is processed and treated at a central plant. From the processing plant, gas is moved through large, interstate gas transmission pipelines and then ultimately ends up at either an electric generation power plant, a manufacturing plant, or a local distribution system, where it supplies natural gas to homes and businesses through a local utility provider. All sections of transportation, from

production to the end user, have had to meet some level of state or federal safety and environmental regulation, except the gathering portion.

Historically, gathering lines were small diameter, low pressure pipelines in very rural areas – therefore they posed a relatively small threat to people, hence these pipelines being almost entirely unregulated. However, as the shale and fracking boom took hold, gathering pipelines grew in size and pressure and are now at times difficult to distinguish from large gas transmission pipelines. Along with this growth in mileage, size, and pressure came a large increase in the risk this almost entirely unregulated system of pipelines poses to people and the environment.

The federal regulator, the Pipeline and Hazardous Materials Safety Administration (PHMSA), has been working on gas gathering pipeline regulations for 11 years, including multiple public comment periods and approval by an industry-advantaged advisory committee. Their rules went into effect on May 16, 2022. The pipeline industry has been fighting hard against these much-needed rules and GPA Midstream has recently brought that fight to the courts.

Why Gas Gathering Lines Need to be Regulated

The Department of Transportation’s PHMSA roughly estimates over 450,000 miles of gas gathering lines in the country fall outside of any federal or state pipeline safety regulation, meaning they are completely unregulated.

Due to their lack of regulation, pipeline operators are not required to file annual reports or incident reports. This means the full extent of the risks they pose, or even how many lines there are, or where they are, is unknown. However, multiple high-profile incidents can be traced back to gas gathering lines, including the 2018 death of three-year-old Delaney Tercero, who was killed when a 10-inch diameter, non-odorized, gas gathering pipeline exploded about 20 feet from her home.

The regulation of these lines has been one of Pipeline Safety Trust’s (PST) top priorities for years, in addition to being a major priority for state pipeline safety regulators, as demonstrated by a resolution the National Association of Pipeline Safety Representatives (NAPSR) passed in 2010.

Gathering Lines and Methane Emissions:

- Recent reports have identified gas gathering lines as playing an outsized role in methane emissions. The White House’s Methane Emissions Reduction Action Plan calls out the importance of PHMSA’s new rule “Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High- Pressure Lines, and Other Related Amendments,” in reducing greenhouse gas emissions.

- According to the Environmental Defense Fund (EDF), several studies identify gathering pipelines in particular as significant sources of methane emissions. EDF found that one study by Stanford University surveyed parts of the Permian Basin in New Mexico and evaluated medium-to-large point-source emissions, with the majority of emissions coming from well sites, which include gas gathering pipelines.
- EDF's PermianMAP project compiled helicopter and aircraft surveys which documented significant levels of fugitive methane emissions from gathering pipelines in the Permian Basin.
- Just one leak in March 2022 from a gathering line owned by Energy Transfer emitted an estimated 900 metric tons of methane in about an hour. That's the GHG equivalent of *annual* emissions from 16,000 cars.^{1,2}

PHMSA's New Rule Makes our Communities Safer

As of the effective date of May 16, 2022, crucial safety measures have gone into effect with the implementation of PHMSA's Final Rule, "Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments."

The new rule takes important steps in fixing the current regulatory gaps that exist with gas gathering lines. The rule will bring some safety regulations to nearly 100,000 miles of the 450,000+ miles of previously unregulated gas gathering lines, including the 10-inch pipeline that killed Delaney Tercero.

PHMSA's Final Rule:

- Requires pipelines like the one that killed Delaney to be subject to safety regulations, including requirements like corrosion control and leak surveys. Depending on the requirement and the diameter and location of the pipeline, these safety requirements would apply to anywhere from 13,000 to 100,000 miles of pipeline.
- Requires all 400,000+ miles of gas gathering lines to submit annual reports and incident reports.

We believe this is a great first step, however, PST will continue to work to ensure that all gathering lines are brought under some level of regulation.

¹ <https://www.axios.com/local/dallas/2022/04/19/energy-transfer-methane-leak-dallas>

² <https://www.bloomberg.com/news/articles/2022-04-18/energy-transfer-pipeline-in-texas-leaks-methane>

A Timeline of API and GPA Midstream’s Attempts to Remove Important Safety Measures

November 2021 – PHMSA publishes new rule “Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments”, 11 years in the making.

December 2021 - American Petroleum Institute (API) and the GPA Midstream Association file a motion to stay and petition for reconsideration directly to PHMSA asking to slash critical safety measures proposed in the new rule.

API and GPA Midstream state in their petition that “pipelines 12.75 inches or less in outside diameter do not present a significant risk to public safety.”

April 2022 - PHMSA denies the petition and motion to stay filed by API and GPA Midstream. PHMSA disagrees with assertions presented in API and GPA Midstream’s petition.

May 2022 – API appeals the denial of their December 2021 petition directly to PHMSA.

API’s petition states that PHMSA’s final rule “contains requirements that are not the product of reasoned decision making, supported by substantial evidence in the record, or likely to provide any appreciable benefit to public safety.”

May 2022 – Giving up on the administrative process, GPA Midstream files a Petition for Review of the gathering lines rule in the U.S. Circuit Court of Appeals for the District of Columbia.

Resources – (Experts & Important Media)

- **Bill Caram**, Executive Director, Pipeline Safety Trust – Safety Regulations – bill@pstrust.org
- **Erin Murphy**, Senior Attorney, Energy Markets and Utility Regulation, Environmental Defense Fund – Methane Emissions – emurphy@edf.org
- [PHMSA’s Final Rule](#)
- [API and GPA Midstream’s Petition for Reconsideration](#)
- [API and GPA Midstream’s Motion to Stay Final Rule](#)
- [PHMSA’s Petition Denial](#)
- GPA Midstream’s Petition for Review with the US Court of Appeals for the DC Circuit – USCA Case #22-1070; Document #1945569