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American Petroleum Institute and GPA Midstream Take Pipeline Safety Rule to Court

New Rule a Result of the San Bruno Tragedy that Killed Eight People and Destroyed 38 Homes

BELLINGHAM, Washington [August 25, 2022] – Pipeline industry groups have filed a petition for review in the United States Court of Appeals for the District of Columbia Circuit which seeks to delay and limit critical safety rules put in place by Department of Transportation's PHMSA (Pipeline and Hazardous Materials Safety Administration). The pipeline industry looks to remove gas gathering lines from inclusion in PHMSA's rule Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards "Final Rule." The rule would require operators to install remote shut-off or automatic valves on certain types of new and fully replaced pipelines.

This new petition continues a worrying trend of litigation from both the American Petroleum Institute (API) and GPA Midstream. Industry continues to hamstring progress on pipeline safety by litigating seemingly every recent rule promulgated by PHMSA. In this case, industry is petitioning a rule 12 years in the making, and one that would make communities safer from the risk of pipeline disasters. The addition of automatic and remote shut-off valves on pipelines could prevent another San Bruno tragedy from happening.

In 2020, both the Gas and Liquid Pipeline Advisory Committees, with ample industry participation, unanimously voted and approved the valve rule, declaring it "technically feasible, reasonable, cost-effective, and practicable". PHMSA wrote the rule to apply to newly constructed and entirely replaced onshore gas transmission, Type A gas gathering, and hazardous liquid pipelines with diameters of 6 inches or greater. The industry has filed the court petition to oppose the inclusion of the gas gathering pipelines.

Among gas gathering lines, the rule will only affect those that are new or replaced, classified as Type A, and fall within a high consequence area (HCA). Type A lines operate in more populated areas and at a

higher pressure and are only one of the four different types of gathering lines, the rest are not subject to the new rule.

High consequences areas, according to the United States Department of Transportation, are defined as locations where pipeline releases could have greater consequences to the health and safety of people or the environment.

Since only a small segment of newly installed or entirely replaced gathering pipelines will be required to install valves; it is now known how or even if this would affect an operator.

The National Transportation Safety Board (NTSB) has long recommended the installation of remote controlled or automatic shut-off valves and strengthened that recommendation following the outrage over PG&E's San Bruno tragedy in 2010, where PG&E took more than 90 minutes to close a manual valve while a massive fireball burned, killing people and destroying a neighborhood.

"It's taken far too long to get to this point and it's infuriating to see the pipeline industry attempt to delay this even further," Pipeline Safety Trust Executive Director Bill Caram said. "PHMSA is right to include Type A gas gathering pipelines in this rule because they have risk profiles similar to gas transmission pipelines. To protect our communities, these pipelines need remote control or automatic shut-off valves now."

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