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## PHMSA and Equitrans Enter into Consent Agreement over Mountain Valley Pipeline

**The consent agreement comes after the federal pipeline regulator issued a Notice of Proposed Safety Order (NOPSO) on Aug. 11 that sought to ensure the operator addressed coating deficiencies, effects of land movement, and instances of corrosion on previously-installed pipe.**

**BELLINGHAM, Washington [Oct. 27, 2023]** – On Oct. 3, the federal pipeline regulator, U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) entered into a [consent agreement](#) with Equitrans Midstream Corporation over its 303-mile long and more-than-a-little contentious Mountain Valley Pipeline (MVP). The agreement was reached following informal consultation between the operator and PHMSA. The consent agreement outlines multiple actions Equitrans will have to take both before and after the pipeline is in operation. The measures seek to address a variety of problem areas identified in the NOPSO that PHMSA issued on MVP two months ago.

Per the agreement, Equitrans will be required to run inspection tools with the ability to detect damage to and movement of the pipeline (both before and after the pipe is operational), have all its pipeline coating remediation and testing monitored and validated by a third-party, assess and remediate corroded pipe, conduct close interval surveys to assess the effectiveness of the pipeline’s cathodic protection system, and create a remedial work plan, which PHMSA must approve.

## **How We Got Here**

MVP is suspected to have vast swathes of installed pipe with corrosion issues stemming from long-term postponements to the natural gas pipeline project. In addition to pipe already in the ground, both coating and corrosion concerns have been reported to exist on yet-to-be-installed pipe left to lie in yards as the project became mired in delays.

Before it issued the NOPSO on Aug. 11, PHMSA reports spending 229 days in the field conducting its own inspections on MVP. The main focus areas of PHMSA's inspections were corrosion control and making sure affected pipe segments were properly coated. A lot of uninstalled MVP pipe is suspected to be damaged from UV rays and weather events throughout years spent lying in pipe yards. The regulator also took note of other serious issues such as how impacts relating to land movement would affect the pipe.

In its NOPSO, PHMSA stated that to keep the communities and environment along MVP's route safe, Equitrans would need to conduct thorough risk assessments and address all of the aforementioned issues.

Because of its status as a NOPSO, PHMSA's order and everything contained within were only "proposed." To create binding terms, PHMSA would need to either issue a final safety order or enter into a consent order with Equitrans. With the consent order, informal consultation between PHMSA and Equitrans would occur to negotiate the terms that would be described in a "consent agreement."

Last month, [in a PST-issued press release](#), we said we hoped that whatever final decision was made would ultimately be as prescriptive as what was included in the NOPSO. We further bolstered this belief when we sent [PHMSA a letter](#) that clarified our full support for an Aug. 18 letter sent on behalf of a coalition of environmental groups that asked the agency for greater public transparency, collaboration, and cooperation.

## **No Final Safety Order, But a Consent Agreement**

Two months later we have an answer: PHMSA and Equitrans have entered into a consent order to resolve the serious safety concerns PHMSA identified in the NOPSO.

In the consent order attached to the agreement, PHMSA noted it took this specific route to avoid litigation. PHMSA states that both it and Equitrans engaged in "good-faith settlement discussions" to reach consensus with all actions outlined in the consent agreement. It goes on to add that the contents of the consent agreement settle all allegations in its August 11 NOPSO.

Now that PHMSA's final decision is here, we can ask the questions – is it as prescriptive as needed and does it increase public transparency as much as it should?

### **The Consent Agreement Requires Equitrans To:**

- Conduct testing that can locate and assess potential corrosion threats or anomalies, on all installed pipe segments, except those installed and tested after January 1, 2023.
- Work with KTA-Tator, Inc. (KTA), a third-party with expertise in assessing the coating type being used on the affected MVP pipeline segments. KTA will evaluate Equitrans' methodology to assess and remediate potential damage to coating for uninstalled pipe. In this case, uninstalled pipe refers to pipe that is uninstalled as of 7/1/2023 and is stored on the pipeline right-of-way on or after the effective date (including in the Bradley, West Virginia Yard, or at any other location outdoors) and which must be installed to complete the construction of the affected facility. Following KTA's evaluation, Equitrans must complete any modifications KTA determines necessary to ensure the safe installation of affected pipeline segments.
- Determine the effectiveness of the affected pipeline segments' permanent cathodic protection (CP) system to ensure it is operating as designed per National Association of Corrosion Engineers (NACE) specified standards. This must happen within six months of commissioning.
- Run a tool capable of detecting dents and ovalities and then remediate any deformities or damage discovered in accordance with federal regulations.
- Run high-resolution inline inspection (ILI) tools to determine locations vulnerable to excessive external stresses that could lead to failure. This inspection would also identify any corrosion-related or other conditions requiring immediate remediation. Equitrans' initial inspection must occur within MVP's first three months of service. One year later, another inspection must be completed.
- Conduct comparative strain analysis to more precisely determine possible locations of strain that could require further examination. It is important that strain analysis be conducted because a pipeline can reach a point where enough strain on the pipe can cause it to fail.

In our assessment, the consent agreement seems to flesh out some of the details missing from the initial NOPSO. We do, however, still have concerns about the level of safety on this pipeline, especially due to the fact that it will be nearly impossible for members of the public to assess in a timely manner Equitrans' compliance with its provisions and/or evaluate KTA-Tator's work.

"Much of the information about compliance with the consent agreement will not be made available to the public, and if it is, it will be on an extremely delayed schedule," PST Policy & Program Director/Counsel Erin Sutherland said. "We encourage PHMSA, Equitrans, and KTA-

Tator to proactively provide information to the public about remedial work plans, inspections, and third-party standards being used. Frontline communities are rightfully concerned about their well-being; its only common sense that this information be provided.”

[For full details view PHMSA and Equitrans’ Consent Order and Agreement.](#)

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**About Pipeline Safety Trust:** The Pipeline Safety Trust is a nonprofit public watchdog promoting pipeline safety through education and advocacy by increasing access to information, and by building partnerships with residents, safety advocates, government and industry, that result in safer communities and a healthier environment.