Pipeline Safety TRUST

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October 15, 2024

Rules Coordinator
Railroad Commission of Texas
Office of General Counsel
P.O. Box 12967
Austin, Texas 78711-2976

Re: Comment on the Proposed Amendments to 16 TAC §3.70 and Various Rules in Chapter 8

Dear Commission Members:

Thank you for the opportunity to comment on the proposed rulemaking to amend the Texas Administrative Code (TAC) Title 16 § 3.70 and various rules in Chapter 8. It is the Pipeline Safety Trust's (the Trust) position that these proposed rules are an improvement in the consistency between state and federal regulation, and that there is an opportunity for Texas to go beyond the federal minimum regulations to improve pipeline safety.

The Pipeline Safety Trust is the only national non-profit organization that focuses on pipeline safety. Our efforts focus on education and advocacy, increasing access to information, and building partnerships with residents, safety advocates, government, and industry to promote safe communities and a healthy environment. As part of this work, the Trust monitors state dockets and submits comments where its technical expertise may be beneficial.

Texas has the highest total miles of pipelines compared to all other states; therefore, it can set a positive example of pipeline safety regulations for operators, other states, and federal regulators. It is vitally important that as the federal regulations evolve, state regulations do so as well, and the Trust sees these proposed rules as a chance to do just that.

Regarding the proposed amendments to § 8.101(b)(1)(F) establishing the re-assessment intervals for natural gas and hazardous liquids pipelines, the Trust believes that a maximum of 10 years for re-assessment is too long to ensure proper maintenance of pipelines to ensure public safety. Conditions can change tremendously over the course of a decade, leading to new anomalies and conditions such as corrosion. Frequent assessment is imperative to ensure operators are repairing and monitoring their pipelines effectively. The Trust would suggest that the Commission change this requirement for re-assessment intervals not to exceed five years for both § 8.101(b)(1)(F)(i) and (ii). See suggested language change below:

(F) re-assessment intervals not to exceed the following:

(i) for pipelines subject to 49 CFR 195, a maximum interval of ~~10 years~~ 5 years for onshore like pipe that can accommodate inspection by means of in-line inspection tools; or

(ii) for pipeline subject to 49 CFR Part §192.710, a maximum interval of ~~10 years~~ 5 years.

With respect to § 8.210(e) Leak Reporting, the Trust understands that the suggested regulatory update here is about when operators need to submit semi-annual leak reports, however, we encourage the Commission to include an additional reporting requirement in these reports for estimated leak volume. See suggested language below:

(e) Leak Reporting. All operators shall submit a PS-95 Semi-Annual Leak Report every July 15 and January 15, even if there are no pending or repaired leaks during the reporting time period. The report includes:

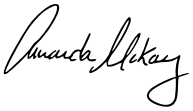
(1) leak location;
(2) facility type;
(3) leak classification;
(4) pipe size;
(5) pipe type;
(6) leak cause; ~~and~~
(7) leak repair method~~.~~; and
(8) estimated leak volume.

Operators reporting estimated leak volume on their semi-annual leak reports will allow the Commission to obtain more information regarding the impact of these leaks. In addition, this information may help inform other state agencies, such as the Texas Commission on Environmental Quality, on leak impacts from pipelines as well as improve compliance with § 113 and 114 of the PIPES Act of 2020. The Trust supports the requirement that operators must submit these leak reports even if there are no pending or repaired leaks during the reporting time period.

Overall, these proposed rule changes stand to benefit communities in Texas through improved pipeline safety and protection of natural resources and the environment. Ensuring that state and federal rules are consistent is incredibly important for regulators, operators, and the public; requiring operators to more frequently assess their integrity management plans will encourage operators to consider updated practices and technologies that result in higher levels of safety; and more detailed reporting requirements ensure accountability among both operators and regulators as well as providing important information to other agencies and the public.

Thank you again for the opportunity to comment on this important matter. If you would like to discuss this comment or have questions, feel free to contact me at (360) 543-5686 (x106) or amanda@pstrust.org.

Sincerely,



Amanda McKay
Policy Manager
Pipeline Safety Trust