

GAS TRANSMISSION RULE ISSUED ON OCTOBER 1, 2019:
NOTICE OF ENFORCEMENT DISCRETION TO GAS PIPELINE OPERATORS
AFFECTED BY THE NATIONAL EMERGENCY RELATING TO THE
CORONAVIRUS DISEASE (COVID-19) OUTBREAK

RE: Notice of Enforcement Discretion to Gas Pipeline Operators Affected by the Coronavirus (COVID-19) Outbreak

In light of the President’s March 13, 2020 Proclamation of a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (National Emergency), the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety, recognizes that gas pipeline operators may be facing personnel resource constraints due to COVID-19. These constraints may impact an operator’s ability to achieve timely compliance with certain near-term requirements of the new gas pipeline safety regulations issued on October 1, 2019, entitled *Pipeline Safety: Safety of Gas Transmission Pipelines: MAOP Reconfirmation, Expansion of Assessment Requirements, and Other Related Amendments* (84 FR 52180) (Final Rule). As a result of these personnel resource constraints and the need of operators to focus available resources on maintaining normal operations and protecting the health and safety of their personnel and the public, PHMSA is exercising its discretion to enforce the Final Rule in a manner that provides flexibility in meeting the initial compliance deadlines for developing the new processes and procedures called for in the Final Rule. This limited exercise of enforcement discretion does not apply to any other provisions of the Final Rule.

This Notice therefore advises regulated entities that PHMSA does not intend to take enforcement action relative to the July 1, 2020 compliance deadline requirements related to the Part 192 provisions in the Final Rule¹ if a regulated entity fails to meet such a requirement by December 31, 2020, for reasons attributable to the National Emergency. This enforcement discretion will allow operators additional time to fully incorporate the new procedures required pursuant to the Final Rule through a management of change process that may be slowed by the challenges of competing resource demands caused by the National Emergency. After December 31, 2020, PHMSA will resume its normal enforcement processes and sanctions available under 49 CFR Part 190, Subpart B. Notwithstanding this Notice, PHMSA expects affected operators to

¹ These new Part 192 requirements include, but are not limited to, the following:

- Operators must prepare and follow procedures (per §§ 192.13(c) and 192.605) addressing applicable regulations without timeframes explicitly defined in the Final Rule (§§ 192.3, 192.5, 192.7, 192.9, 192.18, 192.67, 192.127, 192.150, 192.205, 192.493, 192.506, 192.517, 192.607 (if material verification is being used per § 192.712), 192.619, 192.710, 192.712, 192.805, 192.909, 192.917, 192.921, 192.933, 192.935, 192.937, 192.939, and Appendix F to Part 192.
- Operators must begin to identify, schedule (according to a risk-based prioritization), and perform transmission line assessments of “piggable” Medium Consequence Areas operating over 30% SMYS as required by § 192.710.

continue to work toward meeting the July 1, 2020, effective date to the fullest extent practicable under the current circumstances caused by the National Emergency.

Please note that this Notice applies only to the July 1, 2020 compliance deadlines related to the new Part 192 requirements in the Final Rule. It does not apply to Part 191 reporting requirements or subsequent compliance deadlines set forth in the Final Rule for developing additional procedures or implementing other requirements. Pipeline operators subject to this Notice remain responsible for the safe operation of their systems, and nothing in this Notice relieves operators from compliance with any applicable provisions of the Federal pipeline safety regulations.

Nothing in this Notice prohibits PHMSA from rescinding this Notice and enforcing the July 1, 2020 deadlines if it determines that a significant safety issue or other circumstance warrants doing so, including finding there is no longer a need for an exercise of enforcement discretion.

Furthermore, PHMSA will not object to waivers, special permits, stays of enforcement, or similar measures granted by State authorities to intrastate gas pipeline operators for noncompliance with State regulations equivalent to the new Part 192 requirements listed above that are issued as a result of the National Emergency.

This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a safeguard from departmental enforcement as described herein. To the extent this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to bind the regulated entities in any way.

ISSUED THIS 22nd DAY OF April, 2020, IN WASHINGTON, D.C.



Alan K. Mayberry
Associate Administrator for Pipeline Safety