

RAILROAD COMMISSION OF TEXAS
Oversight and Safety Division
Pipeline Safety Department



NOTICE TO PIPELINE OPERATORS AND LOCAL DISTRIBUTION COMPANIES

State of Disaster in Texas Waiver Requests

On March 13, 2020, the President issued a *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak*, and Governor Greg Abbott declared a State of Disaster in Texas for all Texas counties in response to the novel coronavirus.

On March 20, 2020, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety, issued a *Notice to Gas and Hazardous Liquid Pipeline, Underground Natural Gas Storage and Liquefied Natural Gas Facility Operators and PHMSA State Partners Regarding the National Emergency Relating to the Novel Coronavirus Disease (COVID-19) Outbreak* (PHMSA Notice). The Railroad Commission of Texas (RRC) recognizes that pipeline operators may face resource constraints, including limited personnel, during the COVID-19 pandemic. These resource constraints, coupled with the continuing need to meet operational and maintenance obligations may necessitate actions by personnel that may not fully meet federal operator qualification (OQ), control room management (CRM), and employment drug testing requirements, as more fully described in the PHMSA Notice. Accordingly, the RRC intends to follow the guidance issued by PHMSA in its March 20, 2020 PHMSA Notice. Additionally, the RRC will exercise discretion in its overall enforcement of other parts of pipeline safety regulations not specifically referenced in the PHMSA Notice. RRC intends to provide operators with the flexibility to maintain normal operations while ensuring public safety and protection of the environment throughout the COVID-19 pandemic.

On April 22, 2020, PHMSA issued a *Notice of Enforcement Discretion to Gas Pipeline Operators Affected by the Coronavirus (COVID-19) Outbreak* (April 2020 PHMSA Notice) which recognizes that gas pipeline operators may be facing resource constraints that impact the ability to achieve timely compliance with upcoming deadlines in the new gas pipeline safety regulations issued on October 1, 2019.¹ The April 2020 PHMSA Notice states that PHMSA does not intend to take enforcement action relative to the July 1, 2020 deadline requirements found in the final rule if the operator fails to meet the deadlines due to the President's declared National Emergency. The RRC plans to follow PHMSA's lead and likewise does not intend to take enforcement action relative to the July 1, 2020 deadline requirements found in the final rule if the operator fails to meet the deadlines due to the President's declared National Emergency or Governor Abbott's State of Disaster declaration.

¹ *Pipeline Safety: Safety of Gas Transmission Pipelines: MAOP Reconfirmation, Expansion of Assessment Requirements, and Other Related Amendments* (84 FR 52180) (Final Rule) (October 1, 2019).

Operators who determine that they cannot comply with the regulations described in the PHMSA Notice or other pipeline safety regulations due to challenges related to COVID-19 should promptly notify the RRC's Pipeline Safety Department by e-mail at Safety@rrc.texas.gov. **In all cases, pipeline operators must adequately document any such issues and communicate those matters promptly with the RRC's Pipeline Safety Department.**

This notice applies only to operators faced with limited resources as a result of the impacts of the State of Disaster. This notice does not relieve operators from complying with other RRC rules and regulations and acting reasonably to use trained, non-impaired workers to perform operations and maintenance and control-room tasks. Finally, operators remain responsible for the safe operation of their systems and shall maintain the capability to detect and respond to critical pipeline safety issues and adequately respond to pipeline emergencies.

Local Distribution Companies (LDCs): The RRC recognizes that residential and small commercial gas LDC customers impacted by the COVID-19 pandemic may be faced with financial constraints. This notice advises gas LDC operators that the RRC recommends the temporary suspension of disconnections of residential and small commercial customers for nonpayment while Texas remains under a State of Disaster. In addition, to lessen the financial hardship of customers, RRC recommends that LDC operators offer customers options to make payments or set up alternative payment plans.

This notice is effective March 24, 2020, and will remain in effect until further notice or modification by the RRC and nothing in this Notice prohibits the RRC from modifying or rescinding this Notice or enforcing its rules and regulations if it determines that a significant safety issue or other circumstance warrants doing so.

The *Notice to Gas and Hazardous Liquid Pipeline, Underground Natural Gas Storage and Liquefied Natural Gas Facility Operators and PHMSA State Partners Regarding the National Emergency Relating to the Novel Coronavirus Disease (COVID-19) Outbreak* is available on the PHMSA website at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-03/PHMSA%20Notice%20on%20Enforcement.pdf>.

The *Notice of Enforcement Discretion to Gas Pipeline Operators Affected by the Coronavirus (COVID-19) Outbreak* is available on the PHMSA website at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-04/Stay%20of%20Enforcement%20II%20Gas%20Transmission%20Rule.pdf>.

If you have questions regarding this notice, please contact the RRC at Safety@rrc.texas.gov.

Please Forward to the Appropriate Section of Your Company