

Pipeline

Oil and gas have surpassed coal in providing a majority of America's energy needs. That development is a result of simple market economics, not government regulation. New oil and gas resources discovered over the past decade have made oil and gas much less costly than any other energy source. While the country is also moving increasingly toward renewables for energy supply, oil and gas are critical to making that transition and will always have a role in America's energy supply.

New sources and new demand for oil and gas have spurred the development of new pipeline infrastructure projects in the United States. Pipeline companies are challenged to meet this demand while operating in a highly complex regulatory and environmental landscape. Following the controversial Keystone XL tar sands pipeline project, pipelines in general have become a target of various environmental and citizen group challenges.

Troutman Sanders' pipeline lawyers have worked closely for more than a quarter century with client companies to successfully navigate these challenges and the rigorous standards set for the development, operation, and maintenance of safe and reliable pipelines and pipeline facilities.

Regulatory Compliance, Enforcement Defense and Adjudication

The pipeline industry is the focus of intense scrutiny by legislators, law enforcement officials and environmental groups. Our pipeline lawyers have unparalleled national experience resolving the regulatory, environmental and enforcement issues that arise during the construction, permitting, operation and maintenance of oil and gas pipelines. We leverage Troutman Sanders' nationally recognized energy regulatory and environmental practices and strong working relationships with the various federal and state agencies that regulate pipeline activities to advocate for our clients. As business advisors, our primary goal is to guide our clients towards compliance and help our clients resolve disputes quickly so they can refocus their attention on their primary mission: to safely fuel the global economy.

On our clients' behalf, our lawyers routinely interface with the Pipeline and Hazardous Materials Safety Administration (PHMSA), the National Transportation Safety Board (NTSB), the Environmental Protection Agency (EPA), U.S. Army Corps of Engineers, the U.S. Coast Guard, the Federal Energy Regulatory Commission (FERC), the Department of Justice (DOJ), DOT's Office of Inspector General (OIG), the Bureau of Safety and Environmental Enforcement (BSEE) as well as various state agencies that regulate pipeline activities. In particular, DOJ, OIG and EPA have increased their oversight, investigation and regulation of pipeline matters. Further, PHMSA is working to fulfill Congressional mandates while it continues its inspection and enforcement activity. Given these factors, it is essential that companies coordinate the way in which they address regulatory, civil and potential criminal issues, which often arise simultaneously.

Our pipeline clients benefit from our firm's extensive experience in the energy industry. We work as a team with lawyers across different practices to ensure we address the unique and complex issues facing our clients. Our clients include interstate and intrastate natural gas pipelines, interstate and intrastate oil and petroleum products pipelines, refineries, investors, developers, storage companies (tank farms, terminals, etc.), LNG import and export facilities, LDCs, large consumers, and natural gas marketing, trading and asset-management companies. We have routinely played an important role in the issues that shape this area of law, and we provide our clients with advice based on decades of experience. We are involved in federal and state rulemakings, as well as assisting individual operators and trade groups with respect to federal and state legislation. We have developed a reputation for resolving legal issues, not prolonging them; an approach that has won our lawyers and individual clients the respect and trust of the agencies, as well as from environmental and citizen groups.

Representative Experience:

- Regularly advise oil and gas pipelines on broad range of regulatory compliance and enforcement issues under energy, transportation safety, security, and environmental laws.
- Counsel pipeline companies on new construction and/or expansion projects, including permitting and compliance advice under a broad range of laws such as the Pipeline Safety Act (design review, special permits), National Environmental Policy Act (Environmental Impact Statements), Clean Water Act (NPDES and Section 404 (wetlands) permitting), Clean Air Act (Title V permits), Endangered Species Act (Section 7 consultations, incidental take permits, habitat conservation plans), etc.
- Advise interstate and intrastate oil and gas pipelines on operation and maintenance obligations, including integrity management and contingency planning issues.
- Counsel operators with respect to judicial challenges to Agency rules or decisions under the Pipeline Safety Act, including most recently a 5th Circuit Court of Appeals reversal of a majority of PHMSA's enforcement findings. [ExxonMobil Pipeline Co v. U.S. DOT, No. 16-60448, 2017 U.S. App. LEXIS 15144 \(5th Cir. Aug. 14, 2017\)](#).
- Perform jurisdictional analyses of pipeline assets under a full range of transportation safety and environmental laws.
- Routinely conduct confidential internal investigations on regulatory compliance issues and provide enforcement defense in civil and criminal investigations.
- Assist companies with incident response including release and incident reporting, and preparation of contingency plans.
- Represented some of the largest oil pipelines in the country on federal and state enforcement actions arising from spills to waters of the United States, including federal criminal and civil actions, under the Pipeline Safety Act, Clean Water Act and other laws, including favorable resolutions of Natural Resource Damage Assessment Actions with federal and state entities.

Related Practices

Troutman also has expertise in advising energy clients with regard to [FERC rates](#), [compliance and enforcement](#), [energy storage](#), and [project development](#), as well as [mergers and acquisitions](#). The firm's [environmental and natural resources](#) lawyers across the U.S. represent clients in the energy industry with respect to federal and state permitting for construction and operations, [release reporting](#) and clean-up response and remediation.

Representative Experience:

- Represented natural gas utilities in the negotiation of joint venture agreements and construction management agreements for multiple interstate natural gas pipelines.
- Serve as FERC regulatory counsel for interstate gas pipelines in prosecution, construction and operation of various system expansion projects, including obtaining certificates of public convenience and necessity.
- Advise wide range of energy companies and trade associations on energy-related legislation and proposed regulations, including strategic advice assistance with preparation of comments.