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State of Utah
Department of Commerce
Division of Public Utilities

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MEMORANDUM

To: Public Service Commission

From: Division of Public Utilities
 Chris Parker, Director
 Pipeline Safety Section
 Al Zadeh, Manager

Date: October 30, 2017

Subject: Proposed Change to Public Service Commission Rule R746-409-1

RECOMMENDATION:

The Division of Public Utilities recommends the following change to PSC Rule 746-409-1 to bring the rule into compliance with federal regulations:

Update the date in R746-409-1.B from September 1, 2015 to September 1, 2017:

R746-409. Pipeline Safety.

R746-409-1. General Provisions.

B. Adoption of parts of CFR Title 49 – The Commission adopts and incorporates by this reference the following parts of CFR Title 49, effective September 1, 2015:

1. Part 190 with the exclusion of Part 190.223 which is superseded by Title 54, Chapter 13, Part 8, Violation of chapter – Penalty;
2. Part 191;
3. Part 192;
4. Part 198; and
5. Part 199.

Reason for change to rule:

Federal guidelines for states participating in the Federal Pipeline Safety Grant program require that those states update their rules adopting Federal regulations periodically to adopt amendments that have been added to the regulations after the date currently shown in PSC Rules.

Amendments have been added to Parts 190, 191, 192, 198, and 199 since September 1, 2015. These amendments will be summarized including an estimate of the cost to operators for compliance with these amendments. Whenever the comments use the word “no substantive change”, this is in relation to changes in costs of operation.

Part 190 – Amendments 17, 18, and 19: are Miscellaneous Changes to Pipeline Safety Enforcement and Regulatory Procedures. **“No substantive change”**

Part 191 – Amendments 23, 24, and 25: are Miscellaneous Changes to Pipeline Safety Regulations on reporting of annual reports, incident reports, and safety related condition reports. **“No substantive change”**

Part 192 – Amendments 120, 121, 122, and 123: are Miscellaneous Changes to Pipeline Safety Regulations such as: expansion of use of Excess Flow Valves on new commercial and large volume customer services, and Operator Qualification, Cost Recovery, Accident and Incident Notification, And Other Pipeline Safety Changes and is a cost recovery procedure for PHMSA for review of special permits, construction over \$2.5M, and OQ plan and procedures review. It has minimal effects on operators in the state. **“No substantive change”**

Part 198 – Amendment 7: is a procedure how a state with an inadequate damage prevention enforcement program may seek reconsideration by PHMSA. **“No substantive change”**

Part 199 – Amendment 27: is Operator Qualification, Cost Recovery, Accident and Incident Notification, And Other Pipeline Safety Changes and is a cost recovery procedure for PHMSA. **“No substantive change”**

Conclusion:

The pipeline safety section of the Division of Public Utilities has found that none of the changes itemized above will result in significant costs to operators to continue to remain in compliance with federal and state code.

See attached amendment list:

Amendment Summary to CFR 49, Parts 190, 191, 192, 198, and 199 From September 1, 2015 to September 1, 2017						
Part	Amendment Number	FR CITE	Published Date	Effective Date	Paragraph Impacted	In Reference To:
190	17	81 FR 42564,	6/30/16	8/1/16	190.223	Inflation Adjustment of Maximum Civil Penalties
		82 FR 19325	4/27/2017	4/27/2017		
	18	81 FR 70980	10/14/2016	10/14/2016	190.3, 190.5, 190.236, 190.237	Enhanced Emergency Order Procedures
	19	82 FR 7972	1/23/2017	3/24/2017	190.3, 190.341, 190.343, SubPart E (new), 190.401, 190.403,	Operator Qualification, Cost Recovery, Accident and Incident Notification, And Other Pipeline Safety Changes
190.405, 190.407, 190.409, 190.411						
191	23	60 FR 12762	3/11/2015	10/1/2015	Various	Miscellaneous Changes to Pipeline Safety Regulations
	24	81 FR 91860	12/19/2016	1/17/2017	191.1, .3, .15, .17, .21, .22, .23	Safety of Underground Natural Gas Storage Facilities
	25	82 FR 7972	1/23/2017	3/24/2017	191.3, 191.5, 191.22	Operator Qualification, Cost Recovery, Accident and Incident Notification, And Other Pipeline Safety Changes
192	120	80 FR 12762	3/11/2015	10/1/2015	Several	Miscellaneous Changes to Pipeline Safety Regulations
	121	81 FR 70987	10/14/2016	4/14/2017	192.381, .383, .385	Expanding the Use of Excess Flow Valves In
						Gas Distribution Systems to Applications
						Other Than Single-Family Residences
122	81 FR 91860	12/19/2016	1/18/17, 12/17/17	192.3, .7, .12	Safety of Underground Natural Gas Storage Facilities	
123	82 FR 7972	1/23/2017	3/24/2017	192.14, 192.175, 192.225, 192.227, 192.631, 192.740, 192.1003	Operator Qualification, Cost Recovery, Accident and Incident Notification, And Other Pipeline Safety Changes	
198	7	80 FR 43836	7/23/2015	1/1/2016	198.51-198.63 (new)	State Excavation Damage Prevention Law Enforcement Programs
199	27	82 FR 7972	1/23/2017	3/24/2017	199.105, .117, .119, .225, .227, .229	Operator Qualification, Cost Recovery, Accident and Incident Notification, And Other Pipeline Safety Changes