



State of Utah

Department of Commerce Division of Public Utilities

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Memorandum

To: Utah Public Service Commission

From: Utah Division of Public Utilities

Chris Parker, Director

Al Zadeh, Senior Pipeline Safety Engineer

Connie Hendricks, Office Specialist

Date: October 22, 2019

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

Recommendation (Approval)

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, 2017 to September 1, 2019:

Discussion

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, 2017:

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 Part 190 with the exclusion of Part 190.223 which is superseded by Title 54, Chapter 13, Part 8, Violation of chapter – Penalty;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, 192 and 199 since September 1, 2017. 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 - Civil Penalty Amounts

The amendments are revisions for the increase of Civil Penalty Amounts in 190.223 and .233. This subpart is excluded per PSC Rule 746-409-1 (B) (1). **“No substantive change”**

Part 192 - Plastic Pipe Rule

The amendments are revisions for increasing the design factor of polyethylene pipe; increasing the maximum pressure and diameter for Polyamide-11 pipe and components; allowing the use of Polyamide-12 pipe and components; new standards for risers, more stringent standards for plastic fittings and joints; stronger mechanical fitting requirements; the qualification of procedures and personnel for joining plastic pipe; the installation of plastic pipe; and a number of general provisions.

The cost savings from increase of design factor and use of plastic pipe at higher pressure and diameters more than make up for the cost of compliance with other requirements of this amendment. **“No substantive change”**

For more details refer to the following link:

<https://www.federalregister.gov/documents/2018/11/20/2018-24925/pipeline-safety-plastic-pipe-rule>

Part 199 - Conforming Amendments and Technical Corrections to Department Rules Implementing the Transportation Industry Drug Testing Program

This rule amends the term in the FAA, FTA, and PHMSA regulations to ensure that all DOT drug testing rules are consistent with one another and with the Mandatory Guidelines for Federal Workplace Drug Testing Programs. In addition, this rule makes a conforming amendment to include the term “opioids” in the wording of the Department's annual information collection requirement and clarifications to section 40.26 and Appendix H regarding the requirement for employers to follow the Department's instructions for the annual information collection.

This amendment impacted only Part 199.3 Definitions Prohibited drug.

“No substantive change”

For more details refer to the following link:

<https://www.federalregister.gov/documents/2019/04/23/2019-06986/conforming-amendments-and-technical-corrections-to-department-rules-implementing-the-transportation>

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, 2017 to September 1, 2019						
Part	Amendment Number	FR CITE	Published Date	Effective Date	Paragraph Impacted	In Reference To:
190	20	83 FR 60724	11/27/2018	11/27/2018	190.223	Revisions to civil penalty amounts
	No number	84 FR 37059	7/31/2019	7/31/2019	190.233	Revisions to civil penalty amounts
192	124	83 FR 58694	11/20/2018	1/22/2019	*See below	Plastic Pipe Rule
199		84 FR 16770	4/23/2019	4/23/2019	199.3	Conforming Amendments and Technical Corrections to Department Rules Implementing the Transportation Industry Drug Testing Program

*Authority, 192.3, .7, .9, .59, .63, .67(new), .121, .123(remove), .143, .145, .149, .191(remove), .204 (new), .281, .283, .285, .313, .321, .329(new), .367, .375, .376(new), .455, .513, .720(new), .756(new), App. B