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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

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To: Public Service Commission of Utah
From: Utah Division of Public Utilities
Chris Parker, Director
Al Zadeh, Senior Pipeline Safety Engineer
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Date: March 21, 2022

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

Discussion

The Division of Public Utilities recommends the Commission update its rules concerning pipeline safety to incorporate by reference the most recent version of the applicable federal rules. Utah Administrative Code R746-409-1 is where the change should be made.

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, 2019:

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 Part 190 with the exclusion of Part 190.223 which is superseded by Title 54, Chapter 13, Part 8, Violation of chapter – Penalty;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 193;
5. Part 198; and
6. 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.

Division of Public Utilities

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Amendments have been added to Parts 190, 191 and 192 since September 1, 2019. 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:

Enhanced Emergency Order Procedures

These amendments establish procedures for the issuance of emergency orders to address an unsafe condition or practice, or a combination of unsafe conditions or practices, that constitute or cause an imminent hazard to public health and safety or the environment. The regulations describe the duration and scope of such orders and provide a mechanism by which pipeline owners and operators subject to, and aggrieved by, emergency orders can seek administrative or judicial review. **“No substantive change”**

<https://www7.phmsa.dot.gov/regulations-fr/rulemaking/2019-20308>

Civil Penalty Amounts

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

<https://www.federalregister.gov/documents/2021/01/11/2020-25236/revisions-to-civil-penalty-amounts>

Part 191:

Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments

The amendments in this final rule address the **reporting** of exceedances of MAOP and the expansion of Integrity Management assessments. **“No substantive change”**

Safety of Underground Natural Gas Storage Facilities

There are no underground natural gas facilities under the jurisdiction of Public Service Commission. All underground storage facilities in Utah are connected to interstate transmission lines and under the Pipeline and Hazardous Materials Safety Administration’s jurisdiction. These amendments are not applicable currently.

Gas Pipeline Regulatory Reform

PHMSA is amending the Federal Pipeline Safety Regulations to ease regulatory burdens on the construction, maintenance, and operation of gas transmission, distribution, and gathering pipeline systems without adversely affecting safety. The amendments in this rule are based on rulemaking petitions from stakeholders, and DOT and PHMSA initiatives to identify appropriate areas where regulations might be repealed, replaced, or modified, and PHMSA's review of

public comments. PHMSA also, as of the effective date of this final rule, withdraws the March 29, 2019, "Exercise of Enforcement Discretion Regarding Farm Taps" and the unpublished October 27, 2015 letter to the Interstate Natural Gas Association of America announcing a stay of enforcement pertaining to certain pressure vessels. **"No substantive change"**

Part 192:

Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments

The amendments in this final rule address the exceedances of maximum allowable operating pressure, the consideration of seismicity as a risk factor in integrity management, safety features on in-line inspection launchers and receivers, a 6-month grace period for 7-calendar-year integrity management reassessment intervals, and related recordkeeping provisions. **"No substantive change"**

<https://www.govinfo.gov/app/details/FR-2019-10-01/2019-20306>

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, 193, 198, and 199 From September 1, 2019, to September 1, 2021						
Part	Amendment Number	FR CITE	Published Date	Effective Date	Paragraph Impacted	In Reference To:
190	21	84 FR 52015	10/01/19	12/02/19	190.3 190.5 190.236 190.237	Enhanced Emergency Order Procedures
	No number	86 FR 1745	1/11/21	1/11/21	190.223	Revisions to Civil Penalty Amounts
191	26	84 FR 52180	10/01/19	07/01/20	191.23, .25	Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments
	27	85 FR 8104	02/12/20	03/13/20	191.1, .3, .15, .17, .22, .23	Safety of Underground Natural Gas Storage Facilities
	28	85 FR 44477	07/23/20	07/23/20	191.22	Safety of Underground Natural Gas Storage Facilities; Correction
	29	86 FR 2210	01/11/21	03/12/21	191.3, .11, .12 (removed), App. A (added)	Gas Pipeline Regulatory Reform
192	125	84 FR 52180	10/01/19	07/01/20	Authority, 192.3, .5, .7, .9, .18 (new), .69 (new), .67 (new), .127 (new), .150, .205 (new), .227, .285, .493 (new), .506 (new), .517, .607 (new), .619, .624 (new), .632 (new), .710 (new), .712 (new), .750 (new), .805, .909, .917, .921,	Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments

					.933, .935, .937, .939, .949 (remove), App F (new)	
126	85 FR 8104	02/12/20	03/13/20	192.3, .7*, .12 *confirms Amdt. 192- 122 changes only - no additional changes.	Safety of Underground Natural Gas Storage Facilities	
127	85 FR 40132	07/06/20	07/01/20	192.5, 192.624	Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments (Response to Petition for Reconsideration)	
128	86 FR 2210	01/11/21	03/12/21	192.7, .121, .153, .229, .281, .283, .285, .465, .481, .491, .505, .507, .619, .740, .1003, .1005, .1007, .1009, .1015, App. B	Gas Pipeline Regulatory Reform	