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# UTAH DEPARTMENT OF COMMERCE

## Division of Public Utilities

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## Memorandum

**To:** Public Service Commission of Utah  
**From:** Utah Division of Public Utilities  
Chris Parker, Director  
Brenda Salter, Assistant Director  
Al Zadeh, Senior Pipeline Safety Engineer  
Connie Hendricks, Program Specialist I  
**Date:** February 16, 2024  
**Re:** **Proposed Change to Public Service Commission Rule R746-409-1**

## Recommendation

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. The date should be updated from September 1, 2021 to September 1, 2023.

## 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, 2021:

1. Part 190 with the exclusion of Part 190.223 which is superseded by Title 54, Chapter 13, Part 8, Violation of chapter – Penalty;

Division of Public Utilities

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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.

Amendments have been added to Parts 190, 191 and 192 since September 1, 2021. These amendments are 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. This subpart is excluded per PSC Rule 746-409-1 (B) (1). **“No substantive change”**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2022-04456>

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2022-28580>

## **Final Rule. Administrative Rulemaking—Criminal Referrals**

PHMSA is incorporating within its regulations language noting its employees' ability to refer actual or possible criminal activity in connection with PHMSA's jurisdictional statutes directly to the DOT Office of Inspector General (OIG).<sup>1</sup> This subpart is applicable to PHMSA employees. **"No substantive change"**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2022-09740>

### **Part 191:**

## **Final Rule. Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments**

PHMSA is revising the Federal Pipeline Safety Regulations to improve the safety of onshore gas gathering pipelines. This final rule addresses Congressional mandates, Government Accountability Office recommendations, and public input received as part of the rulemaking process. The amendments in this final rule extend reporting requirements to all gas gathering operators and apply a set of minimum safety requirements to certain gas gathering pipelines with large diameters and high operating pressures. The rule does not affect offshore gas gathering pipelines.<sup>2</sup> **"No substantive change"**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2021-24240>

## **Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Response to a Petition for Reconsideration; Technical Corrections; Issuance of Limited Enforcement Discretion**

PHMSA is alerting the public to its April 1, 2022, response denying a petition for reconsideration of the final rule titled "Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related

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<sup>1</sup> Federal Register / Vol. 87, No. 91 / Wednesday, May 11, 2022 / Rules and Regulations 28779

<sup>2</sup> Federal Register / Vol. 86, No. 217 / Monday, November 15, 2021 / Rules and Regulations 63266

Amendments.” This final rule also makes clarifications and two technical corrections to that rulemaking. Lastly, this final rule memorializes a limited enforcement discretion in connection with that rulemaking’s amendment of the regulatory definition of “incidental gathering.”<sup>3</sup> **“No substantive change”**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2022-09474>

### **Final rule; technical corrections**

PHMSA is issuing corrections of certain changes to incident and annual reporting requirements for offshore gathering pipelines in its November 15, 2021, final rule titled “Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments.”<sup>4</sup> **“No substantive change”**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2022-12722>

### **Part 192:**

#### **Final Rule. Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments**

See summary under Part 191 above. **“No substantive change”**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2021-24240>

#### **Final Rule. Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards**

PHMSA is revising the Federal Pipeline Safety Regulations applicable to most newly constructed and entirely replaced onshore gas transmission, Type A gas gathering, and hazardous liquid pipelines with diameters of 6 inches or greater. In the revised regulations, PHMSA requires operators of these lines to install rupture-mitigation valves (*i.e.*, remote-control or automatic shut-off valves) or alternative equivalent technologies, and establishes minimum performance standards for those valves’ operation to prevent or

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<sup>3</sup> Federal Register / Vol. 87, No. 86 / Wednesday, May 4, 2022 / Rules and Regulations 26296

<sup>4</sup> Federal Register /Vol. 87, No. 113 /Monday, June 13, 2022 /Rules and Regulations 35675

mitigate the public safety and environmental consequences of pipeline ruptures. This final rule establishes requirements for rupture-mitigation valve spacing, maintenance and inspection, and risk analysis. The final rule also requires operators of gas and hazardous liquid pipelines to contact 9–1–1 emergency call centers immediately upon notification of a potential rupture and conduct post-rupture investigations and reviews. Operators must also incorporate lessons learned from such investigations and reviews into operators' personnel training and qualifications programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. PHMSA is promulgating these regulations in response to congressional directives following major pipeline incidents where there were significant environmental consequences or losses of human life. The revisions are intended to achieve better rupture identification, response, and mitigation of safety, greenhouse gas, and environmental justice impacts.<sup>5</sup> **“No substantive change”**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2022-07133>

**Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Response to a Petition for Reconsideration; Technical Corrections; Issuance of Limited Enforcement Discretion**

See summary under Part 191 above. **“No substantive change”**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2022-09474>

**Final Rule. Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments and Correction to Definition.**

PHMSA is revising the Federal Pipeline Safety Regulations to improve the safety of onshore gas transmission pipelines. This final rule addresses several lessons learned following the Pacific Gas and Electric Company incident that occurred in San Bruno, CA, on September 9, 2010, and responds to public input received as part of the rulemaking process. The amendments in this final rule clarify certain integrity management provisions, codify a management of change process, update and bolster gas transmission pipeline corrosion

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<sup>5</sup> Federal Register / Vol. 87, No. 68 / Friday, April 8, 2022 / Rules and Regulations 20940

control requirements, require operators to inspect pipelines following extreme weather events, strengthen integrity management assessment requirements, adjust the repair criteria for high consequence areas, create new repair criteria for non-high consequence areas, and revise or create specific definitions related to the above amendments.<sup>6</sup> **“No substantive change”**

**§ 192.3 Definitions. [Corrected]<sup>7</sup> “No substantive change”**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2022-17031>

<https://www.phmsa.dot.gov/regulations/federal-register-documents/C1-2022-17031>

**Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments: Technical Corrections; Response to Petitions for Reconsideration**

PHMSA is making necessary technical corrections to ensure consistency within, and the intended effect of, a recently issued final rule titled “Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments.” PHMSA also alerts the public to its November 18, 2022, and April 19, 2023, responses to petitions for reconsideration of this final rule.<sup>8</sup>

**“No substantive change”**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2023-08548>

**Correcting Amendments: Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards: Technical Corrections**

PHMSA is issuing editorial and technical corrections clarifying the regulations promulgated in its April 8, 2022, final rule titled “Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards” for certain gas, hazardous liquid, and carbon

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<sup>6</sup> Federal Register / Vol. 87, No. 163 / Wednesday, August 24, 2022 / Rules and Regulations 52224

<sup>7</sup> Federal Register / Vol. 87, No. 205 / Tuesday, October 25, 2022 / Rules and Regulations 64384

<sup>8</sup> Federal Register / Vol. 88, No. 78 / Monday, April 24, 2023 / Rules and Regulations 24708

dioxide pipelines. The final rule also codifies the results of judicial review of that final rule.<sup>9</sup>

**“No substantive change”**

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2023-15904>

## **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:

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<sup>9</sup> Federal Register / Vol. 88, No. 146 / Tuesday, August 1, 2023 / Rules and Regulations 50056

Amendment Summary to CFR 49, Parts 190, 191, 192, 193, 198, and 199 From September 1, 2021, to September 1, 2023						
Part	Amendment Number	FR CITE	Published Date	Effective Date	Paragraph Impacted	In Reference To:
190	23	87 FR 15839	03/21/22	03/21/22	190.223	Final Rule. Revisions to Civil Penalty Amounts
	No number	87 FR 28779	05/11/22	05/11/22	190.293	Final Rule. Administrative Rulemaking—Criminal Referrals
	No number	88 FR 1114	01/06/2023	01/06/2023	190.223	Final Rule. Revisions to Civil Penalty Amounts Maximum penalties.
191	30	86 FR 63266	11/15/21	05/16/22	191.1, .3, .15, .17, .23, .29	Final Rule. Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments
	31	87 FR 26296	05/04/22	05/16/22	191.23	Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Response to a Petition for Reconsideration; Technical Corrections; Issuance of Limited Enforcement Discretion
	32	87 FR 35675	06/13/22	06/13/22	191.15, .17	Final rule; technical corrections.
192	129	84 FR 63266	11/15/21	05/16/22	192.3, .8, .9, .13, .18, .150, .452,	Final Rule. Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments
	130	87 FR 20940	04/08/22	10/05/22	192.3, .9, .18, 179, .610, .615, .617, .634, .635, .636, .745, .935,	Final Rule. Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards
	131	87 FR 26296	05/04/22	05/16/22	192.8	Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Response to a Petition for Reconsideration; Technical Corrections; Issuance of



					Limited Enforcement Discretion
132	87 FR 52224	08/24/22	05/24/23	192.3, .7, .9, .13, .18, .19, .461, .465, .473, .478, .485, .613, .710, .711, .712, .714, .911, .917, .923, .927, .929, .933, .935, .941	Final Rule. Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments
132	87 FR 64384	10/25/22	10/25/22	192.3 (2)(i)	<i>Correction</i> Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments  Definitions. [Corrected]
133	88 FR 24708	04/24/23	05/24/23	192.319, .473, .714, .933,	Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments: Technical Corrections; Response to Petitions for Reconsideration
134	88 FR 50056	08/01/23	08/01/23	192.3, .9, .179, .634, .636,	Correcting Amendments: Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards: Technical Corrections