



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

May 08, 2015

The Honorable John Thune  
Chairman, Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to submit the Review of Existing Federal and State Regulations for Gas and Hazardous Liquid Gathering Lines to Congress, fulfilling the requirements of Section 21 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. The Act requires the Secretary of Transportation to conduct a review of existing Federal and State regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico. The Secretary is also required include recommendations with respect to:

- (A) the sufficiency of existing Federal and State laws and regulations to ensure the safety of gas and hazardous liquid gathering lines;
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- (C) subject to a risk-based assessment, the need to modify or revoke existing exemptions from Federal regulation for gas and hazardous liquid gathering lines.

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is the DOT agency responsible for administering the Department's national regulatory program to assure the safe transportation of gas, petroleum, and other hazardous materials by pipeline. To further conduct the analysis required by Section 21 of the Act, PHMSA commissioned an independent review by the Oak Ridge National Laboratory to determine the existence of regulatory requirements for the design, construction, operation, and maintenance of hazardous liquid or natural gas gathering lines, and to identify agency regulations specifically related to pipeline safety and mechanical integrity of gathering lines.

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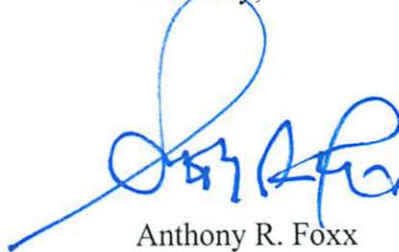
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Sincerely,

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Anthony R. Foxx

Enclosure



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

May 08, 2015

The Honorable Bill Nelson  
Ranking Member, Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, DC 20510

Dear Senator Nelson:

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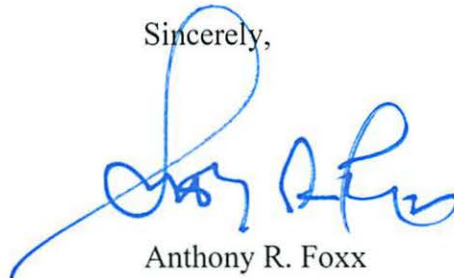
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Anthony R. Foxx

Enclosure



**THE SECRETARY OF TRANSPORTATION**  
WASHINGTON, DC 20590

May 08, 2015

The Honorable Bill Shuster  
Chairman, Committee on Transportation  
and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

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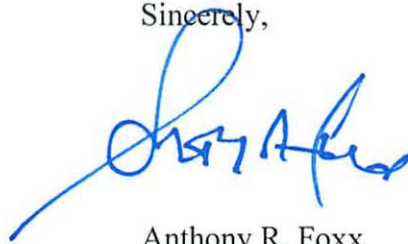
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Anthony R. Foxx

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THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

May 08, 2015

The Honorable Peter DeFazio  
Ranking Member, Committee on Transportation  
and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman DeFazio:

I am pleased to submit the Review of Existing Federal and State Regulations for Gas and Hazardous Liquid Gathering Lines to Congress, fulfilling the requirements of Section 21 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. The Act requires the Secretary of Transportation to conduct a review of existing Federal and State regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico. The Secretary is also required include recommendations with respect to:

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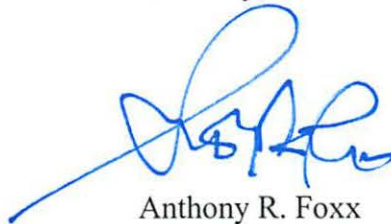
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May 08, 2015

The Honorable Fred Upton  
Chairman, Committee on Energy  
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U.S. House of Representatives  
Washington, DC 20515

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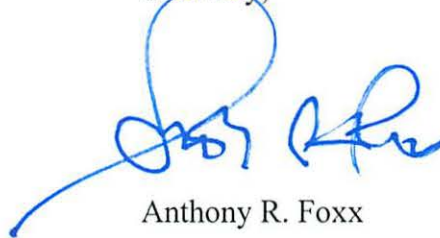
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Ranking Member, Committee on Energy  
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U.S. House of Representatives  
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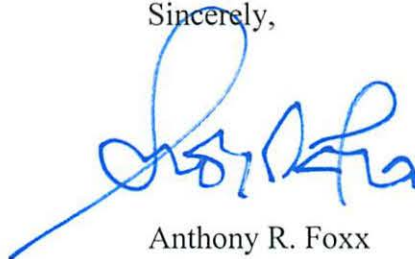
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# **Review of Existing Federal and State Regulations for Gas and Hazardous Liquid Gathering Lines**

September 4, 2013







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**REVIEW OF EXISTING FEDERAL AND STATE REGULATIONS FOR GAS AND  
HAZARDOUS LIQUID GATHERING LINES**

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XCEL Engineering Inc.

H. L. Grant

Fabrication, Hoisting, and Rigging Division

Oak Ridge National Laboratory

S. D. Rose

Engineering and Transportation Science Division

Oak Ridge National Laboratory

Date: September 4, 2013

Prepared for

U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration

Pipeline Safety Program

East Building 2nd Floor

1200 New Jersey Avenue, S.E.

Washington, DC 20590

Under PHMSA Agreement Number DTPH56-10-X-000031

and DOE Proposal Number 2117-S865-A1

Prepared by

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U.S. DEPARTMENT OF ENERGY

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## ABBREVIATIONS AND ACRONYMS

API	American Petroleum Institute
ASME	American Society of Mechanical Engineers
ASTM	American Society of Testing and Materials
BLM	Bureau of Land Management
BSEE	Bureau of Safety and Environmental Enforcement
CFR	Code of Federal Regulations
DHS	U.S. Department of Homeland Security
DOE	U.S. Department of Energy
DOT	U.S. Department of Transportation
EPA	U.S. Environmental Protection Agency
FERC	Federal Energy Regulatory Commission
GPA	Gas Processors Association
H <sub>2</sub> S	Hydrogen Sulfide
in.	Inch
mm	Millimeter
MAOP	Maximum Allowable Operating Pressure
NACE	National Association of Corrosion Engineers
OPS	Office of Pipeline Safety
ORNL	Oak Ridge National Laboratory
PHMSA	Pipeline and Hazardous Material Safety Administration
ppm	Parts per Million
psig	Pounds per Square Inch, gage
RP	Recommended Practice
RSPA	Research and Special Programs Administration
SMYS	Specified Minimum Yield Strength
U.S.C.	U.S. Code

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## ACKNOWLEDGMENTS

This work was funded by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA), Pipeline Safety Program under PHMSA Agreement Number DTPH56-10-X-000031 and U.S. Department of Energy Proposal Number 2117-S865-A1.

The authors of this report would like to acknowledge the leadership of PHMSA's Pipeline Safety Program. In particular, DeWitt Burdeaux, Pipeline Safety Specialist who provided technical oversight that was invaluable to helping accomplish the objectives of the work. Joshua Johnson, Materials Engineer provided general project management guidance as the Contracting Officer Technical Representative.

The Oak Ridge National Laboratory (ORNL) team consisted of multi-disciplinary subject matter experts. The team would like to acknowledge the contribution of Sheila Moore, ORNL who helped complete this document.

The authors are grateful for the opportunity to perform this work and contribute to this aspect of pipeline safety.

Most respectfully,

Simon D. Rose, C. Barry Oland, and Herb L. Grant

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## EXECUTIVE SUMMARY

The U.S. Department of Transportation's (DOT's) Pipeline and Hazardous Materials Safety Administration (PHMSA) is the federal authority responsible for ensuring safety in the design, construction, operation and maintenance, and spill response planning for natural gas and hazardous liquid pipelines in the United States. In performing its duties, PHMSA promulgates comprehensive minimum safety standards for natural gas and hazardous liquid gathering, transmission, and distribution pipelines that are part of this nation's 2.6 million mile pipeline network. The *Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011* requires the DOT Secretary to: (1) conduct a review of existing state and federal regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including the Gulf of Mexico, and (2) submit a report of the review to the Committee on Transportation and Infrastructure, and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate. In addition to review results, the report is also required to include the Secretary's recommendations with respect to: (a) the sufficiency of existing federal and state laws and regulations to ensure the safety of gas and hazardous liquid gathering lines; (b) the economic impacts, technical practicability, and challenges of applying existing federal regulations to gathering lines that are not currently subject to federal regulation when compared to the public safety benefits; and (c) subject to a risk-based assessment, the need to modify or revoke existing exemptions from federal regulation for gas and hazardous liquid gathering lines.

Gathering pipelines transport gases and liquids from the commodity's source – like rock formations located far below the drilling site – to a processing facility, refinery, or a transmission line. Congress has granted the federal government and the states, through certifications with PHMSA, jurisdiction over the estimated 240,000 miles of onshore gathering lines. Congress also authorized any state agency to establish intrastate pipeline safety standards. Various state agencies that are not PHMSA partners have used this authority to promulgate more stringent requirements than those in 49 CFR 192 and 49 CFR 195 for intrastate gathering lines.

In October 2012, PHMSA requested assistance from the Oak Ridge National Laboratory (ORNL) in conducting a review of federal and state gathering line regulations consistent with requirements prescribed in Section 21(a) of the *Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011*. Results of the review were documented in a draft report dated titled "Review of State and Federal Gathering Line Regulations" that was submitted to PHMSA on January 7, 2013. In February 2013, PHMSA directed ORNL to prepare this complementary report which (1) incorporates the federal and state gathering line regulation review results and (2) discusses review observations and regulatory issues.

The review of existing federal and state gathering line regulations was performed by ORNL between late 2012 and early 2013 to determine the existence of regulatory requirements for the design, construction, operation, and maintenance of hazardous liquid or natural gas gathering lines, and to identify agency regulations specifically related to pipeline safety and mechanical integrity of gathering lines. Information within the scope of the review was acquired, primarily from state and federal agency web sites and referenced publications. Agencies of particular interest included state oil and gas boards and divisions (or equivalent) and state departments of environmental quality (or equivalent). Review activities also involved determining if the promulgating agency possesses enforcement authority and, if enforcement occurs, whether it is through an active (inspection driven) or passive (complaint only) process.

Information compiled during the review is tabulated and presented in Appendix A, State Gathering Line Rules and Regulations; and Appendix B, Federal Agency Roles and Responsibilities for Gathering Lines of this report. This information was also analyzed to determine if state or federal entities, besides PHMSA and its state partner agencies, have promulgated regulations related to siting, design, construction, operation, or maintenance of onshore or offshore hazardous liquids or natural gas gathering lines. Results of these analyses are discussed in the body of this report.

Following an introduction in Section 1, a description of the legislative and regulatory requirements is provided for both hazardous liquid and natural gas gathering lines in Section 2. Specific PHMSA partners with regulations that exceed PHMSA requirements are identified and discussed in Section 3. These include design and construction requirements for the states: Alabama, California, Colorado, New York, Mississippi, and Ohio; and operations and maintenance regulations for the states: Alabama, Arkansas, California, Mississippi, and Oklahoma. Other states besides these also have regulations that exceed PHMSA pipeline safety requirements; however these regulations are generally written as performance-based standards with limited or no authorized acceptance criteria rather than prescriptive requirements with clearly defined acceptance criteria making direct comparison difficult or impossible. Regulatory requirements that pertain to gathering lines for other federal agencies are described in Section 4. These agencies include the Federal Energy Regulatory Commission, the Environmental Protection Agency, the Department of Homeland Security, the Bureau of Safety and Environmental Enforcement, and the Bureau of Land Management.

Section 5 provides details of gathering line regulatory requirements promulgated by state agencies other than PHMSA partner entities. These include the State Oil and Gas Board of Alabama, the Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas, the New York State Department of Environmental Conservation, Division of Mineral Resources, and the Railroad Commission of Texas, Oil and Gas Division, and the State of Alaska Department of Administration, Oil and Gas Conservation Commission. Except for Alaska, regulations promulgated by these state agencies that extend beyond federal pipeline safety standards are generally performance-based requirements with limited or no



authorized acceptance criteria. Therefore, direct comparison with requirements in 49 CFR 192 and 49 CFR 195 is difficult or impossible.

Section 6 discusses federal regulatory issues that may be a possible source of confusion and misunderstanding concerning design, construction, operation, and maintenance of natural gas and hazardous liquid gathering lines. It also summarizes regulations adopted by state and other federal agencies that exceed federal pipeline safety standards in 49 CFR 192 and 49 CFR 195 for rural gathering lines. References cited in the report are listed in Section 7.

## 1. INTRODUCTION

The U.S. Department of Transportation's (DOT's) Pipeline and Hazardous Materials Safety Administration (PHMSA) is the federal authority responsible for ensuring safety in the design, construction, operation and maintenance, and spill response planning for natural gas and hazardous liquid pipelines in the United States. In performing its duties, PHMSA promulgates comprehensive minimum safety standards for natural gas and hazardous liquid gathering, transmission, and distribution pipelines that are part of America's 2.6 million mile pipeline network.

### 1.1 TASK AUTHORIZATION

The *Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011* [1] stipulates that the DOT Secretary (1) conduct a review of existing state and federal regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including the Gulf of Mexico, and (2) submit a report of the review to the Committee on Transportation and Infrastructure, and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate. In addition to review results, the report is also required to include the Secretary's recommendations with respect to:

- a. the sufficiency of existing federal and state laws and regulations to ensure the safety of gas and hazardous liquid gathering lines;
- b. the economic impacts, technical practicability, and challenges of applying existing federal regulations to gathering lines that are not currently subject to federal regulation when compared to the public safety benefits; and
- c. subject to a risk-based assessment, the need to modify or revoke existing exemptions from federal regulation for gas and hazardous liquid gathering lines.

Gathering pipelines transport gases and liquids from the commodity's source – like rock formations located far below the drilling site – to a processing facility, refinery, or a transmission line [2]. Congress has granted the federal government and the states, through certifications with

PHMSA, jurisdiction over the estimated 240,000 miles of onshore gathering lines. Details about the PHMSA certification process are presented in Section 2.1.

In October 2012, PHMSA requested assistance from the Oak Ridge National Laboratory (ORNL) in conducting a review of federal and state gathering line regulations consistent with requirements prescribed in Section 21(a) of the *Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011* [1]. Results of the review were documented in a draft report titled “Review of State and Federal Gathering Line Regulations” that was prepared by ORNL and submitted to PHMSA on November 30, 2012 for review and comment. The draft report was revised to address reviewer comments, then finalized and submitted to PHMSA on January 7, 2013. This work was administered through an interagency agreement between the DOT and the U.S. Department of Energy (DOE) that authorizes ORNL to provide specialized engineering assistance and technical support to PHMSA.

In February 2013, PHMSA directed ORNL to prepare a complementary report that incorporates the information presented in the “Review of State and Federal Gathering Line Regulations” dated January 7, 2013 and discusses review observations and regulatory issues identified while conducting the work scope described in Sect. 1.2.

## **1.2 SCOPE AND OBJECTIVE**

An investigation of various state and federal agency regulatory programs was conducted to determine if state or federal entities, besides PHMSA and its state partner agencies, have promulgated regulations related to siting, design, construction, operation, or maintenance of onshore or offshore hazardous liquids or natural gas gathering lines. These results are intended for use by PHMSA in determining sufficiency, economic impacts, technical practicability, and challenges of applying existing federal regulations to gathering lines that are not currently subject to federal regulation when compared to the public safety benefits. The work scope and principal objectives of the investigation involved the following activities.

1. Conduct an online review of federal and state agency regulations to determine the existence of regulatory requirements for the design, construction, operation, and maintenance of hazardous liquid or natural gas gathering lines. Agency regulations that focus specifically on the pipeline safety and mechanical integrity of gathering lines were researched. Agencies of particular interest included state oil and gas boards or divisions (or equivalent) and state departments of environmental quality (or equivalent). Results of the online review of federal and state agency regulations were presented in a tabular format and submitted to PHMSA on January 7, 2013.
2. Where existing regulations are identified, determine if the promulgating agency possesses enforcement authority.

3. Where enforcement authority exists, determine if enforcement occurs and whether it is through an active (inspection driven) or passive (complaint only) process.

This report documents information compiled from state and federal agency web sites, referenced publications and reviewed to identify rules and regulations for ensuring the safety of natural gas and hazardous liquid gathering lines. Information included within the scope of the review is tabulated in Appendices A and B. The report also documents an assessment of laws enacted by Congress authorizing the Secretary of Transportation to prescribe pipelines safety standards including requirements for the design, construction, operation, and maintenance of natural gas and hazardous liquid gathering lines. The assessment focused on federal legislative authority and PHMSA regulatory requirements to identify constraints and prohibitions on regulating gathering lines.

### **1.3 TERMS AND DEFINITIONS**

Federal standards for natural gas pipelines use the term pipeline to mean all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies. The word gas is an all-inclusive term that includes natural gas, flammable gas, or gas which is toxic or corrosive.

A gathering line means a pipeline that transports gas from a current production facility to a transmission line or main. The term transmission line means a pipeline, other than a gathering line, that: (1) transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not down-stream from a distribution center; (2) operates at a hoop stress of 20% or more of specified minimum yield strength (SMYS); or (3) transports gas within a storage field. A distribution line means a pipeline other than a gathering or transmission line [3].

Federal standards for hazardous liquid pipelines use the term pipeline or pipeline system to mean all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. A gathering line means a pipeline 219.1 millimeter (mm) (8-5/8 inch [in.]) or less nominal outside diameter that transports petroleum from a production facility. The term petroleum means crude oil, condensate, natural gasoline, natural gas liquids, and liquefied petroleum gas [4].

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## 2. LEGISLATIVE AND REGULATORY AUTHORITY FOR PIPELINE SAFETY

Congress established the DOT through the *Department of Transportation Act* (Pub. L 89-670) dated October 15, 1966 [5]. Since then, Congress enacted various other laws authorizing the Secretary of Transportation to prescribe safety standards for natural gas and hazardous liquid pipelines. These laws are listed in Table 2.1 [1 and 6 through 16] in the order in which they were enacted.

**Table 2.1 Federal pipeline safety laws**

Short title	Public law	Date
Natural Gas Pipeline Safety Act of 1968 [6]	90-481	August 12, 1968
Natural Gas Pipeline Safety Act Amendments of 1976 [7]	94-477	October 11, 1976
Hazardous Liquid Pipeline Safety Act of 1979 [8]	96-129	November 30, 1979
An Act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 [9]	99-516	October 22, 1986
Pipeline Safety Reauthorization Act of 1988 [10]	100-561	October 31, 1988
An Act to improve navigational safety and to reduce the hazards to navigation resulting from vessel collisions with pipelines in the marine environment [11]	101-599	November 16, 1990
Pipeline Safety Act of 1992 [12]	102-508	October 24, 1992
Accountable Pipeline Safety and Partnership Act of 1996 [13]	110-3793	October 12, 1996
Pipeline Safety Improvement Act of 2002 [14]	107-355	December 17, 2002
Norman Y. Mineta Research and Special Programs Improvement Act [15]	108-426	November 30, 2004
Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 [16]	109-468	December 29, 2006
Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 [1]	112-90	January 3, 2012

In 1992, Congress established the Research and Special Programs Administration (RSPA) as a sub-agency within DOT and assigned the RSPA Administrator responsibility for carrying out the duties and powers vested in the Secretary with respect to pipeline safety [12]. Congress established PHMSA under the [\*Norman Y. Mineta Research and Special Programs Improvement Act of 2004\*](#) [15] by transferring the duties and powers of RSPA to the Administrator of PHMSA. This Act provides DOT with a more focused research organization and establishes a separate operating administration for pipeline safety and [hazardous materials](#) transportation safety operations. The Office of Pipeline Safety (OPS), within PHMSA has overall regulatory responsibility for hazardous liquid and natural gas pipelines under its jurisdiction in the United States<sup>1</sup>. It supports PHMSA's mission by:

- identifying and evaluating pipeline safety risks;
- developing and enforcing standards for the design, construction, operation, and maintenance of pipelines carrying natural gas or hazardous liquids;
- administering regulatory programs and establishing the regulatory agenda by developing policy options and initiatives;
- helping pipeline operators implement risk management and risk-based programs;
- supporting the development and conduct of pipeline safety training programs and other educational programs for federal and State regulatory and compliance staff and relevant stakeholders;
- conducting research on promising technologies;
- developing and maintaining partnerships with other federal agencies, state agencies, local agencies, public interest groups, tribal governments, industry regulators, and utility operators to address threats to pipeline integrity, service, reliability, and community safety;
- providing technical assistance and grants to states in support of their pipeline safety programs;
- reviewing oil spill response plans; and
- responding to pipeline accidents and incidents.

Minimum safety standards for the transportation of natural gas and hazardous liquids by pipeline promulgated by PHMSA are contained in Title 49, Parts 190 to 199 of the *Code of Federal Regulations* (CFR).

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<sup>1</sup> The statutes under which the OPS operate provide for state assumption of all or part of the *intrastate* regulatory and enforcement responsibility through annual certifications and agreements. Most states have supported the concept of common stewardship in pipeline safety. This cooperative, collaborative relationship between the federal and state government—the Federal/State Partnership—forms the cornerstone of the pipeline safety program.



## 2.1 FEDERAL LEGISLATIVE AUTHORITY

Two statutes provide the framework for the federal pipeline safety program. The *Natural Gas Pipeline Safety Act of 1968* [6] as amended authorizes DOT to regulate pipeline transportation of natural (flammable, toxic, or corrosive) gas and other gases as well as the transportation and storage of liquefied natural gas. Similarly, the *Hazardous Liquid Pipeline Safety Act of 1979* [8] as amended authorizes DOT to regulate pipeline transportation of hazardous liquids (crude oil, petroleum products, anhydrous ammonia, and carbon dioxide). Both of these Acts have been recodified as U.S. Code<sup>2</sup> (U.S.C.), Title 49 – Transportation, Subtitle VIII – Pipelines, Chapter 601 – Safety [17].

While the federal government is primarily responsible for developing, issuing, and enforcing pipeline safety regulations, the pipeline safety statutes authorize states to enter into certifications or agreements with the federal government, allowing states to assume all or part of the intrastate regulatory and enforcement responsibility. To qualify for certification, a state must adopt the minimum federal regulations and may adopt additional or more stringent regulations as long as they are not incompatible. A state must also provide for enforcement sanctions substantially the same as those authorized by the pipeline safety statutes. Intrastate facilities may include gas distribution, gas transmission, and hazardous liquid transmission pipelines, as well as gathering lines, storage fields, and liquid natural gas facilities.

States may assume all or part of the intrastate regulatory and enforcement responsibility through annual certifications and agreements. A state agency which does not satisfy the criteria for *certification* may enter into an *agreement* to undertake certain aspects of the pipeline safety program for intrastate facilities on behalf of OPS. While the state agency under an agreement will inspect pipeline operators to ascertain compliance with federal safety regulations, any probable violations are reported to OPS for enforcement action. Every state is currently participating in the natural gas pipeline safety program except for Alaska and Hawaii. Fourteen states participate in the hazardous liquid pipeline safety program. Fewer states participate in the liquid program due to the significantly lower number of miles of liquid pipelines.

Pipeline safety base grants are authorized by U.S.C. Title 49, Chapter 601 §60107 – State Pipeline Safety Grants. To qualify for federal grant funds, a state agency must participate in the pipeline safety program either under certification in accordance with 49 U.S.C. §60105 or under an agreement in accordance with §60106. According to PHMSA:

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<sup>2</sup> The U.S. Code (U.S.C.) is a compilation and [codification](#) of the general and permanent [federal laws](#) of the United States. Codification is the process of collecting and restating the law of a [jurisdiction](#) in certain areas, usually by subject, forming a [legal code](#). The U.S.C. does not include regulations issued by executive branch agencies, decisions of the Federal courts, treaties, or laws enacted by state or local governments. Regulations issued by executive branch agencies are available in the *Code of Federal Regulations*. Proposed and recently adopted regulations are published in the *Federal Register*.

*Federal grant funds are used as an incentive to improve state program performance and to encourage states to take on more responsibility for pipelines. OPS is authorized to reimburse a state agency up to 80 percent of the actual cost for carrying out the state's pipeline safety program, including the cost of personnel and equipment. Federal funding is determined through an allocation formula based on factors such as the extent to which the state asserts safety jurisdiction, whether the state has adopted all federal requirements, and the number and qualifications of the inspectors.*

A state agency's program performance is based on PHMSA's annual program evaluation and progress report scoring of each state agency. The program evaluation considers a state's performance in achieving established goals for pipeline safety programs set by PHMSA. The program evaluation includes an on-site review of the state's inspection, compliance, accident investigation, training, and excavation damage prevention records and activities. The progress report scoring gives consideration to the states extent of safety authority over pipeline operators, inspector qualifications, inspection days accomplished, adoption of maximum civil penalty amounts, progress adopting amendments to federal regulations, adoption of one call requirements, and attendance at the National Association of Pipeline Safety Representatives meetings. This nonprofit organization represents state pipeline safety personnel and supports the safe delivery of pipeline products by working closely with PHMSA, the pipeline industry, and other interested organizations.

### **2.1.1 Laws Governing Gas Gathering Lines**

The term "transportation of gas" was initially defined by Congress in the *Natural Gas Pipeline Safety Act of 1968* [6] using the following words in italic text.

*"Transportation of gas" means the gathering, transmission or distribution of gas by pipeline or its storage in or affecting interstate or foreign commerce; except that it shall not include the gathering of gas, **other than gathering through regulated gathering lines**, in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area which the Secretary may define as a nonrural area, **but such term shall include the movement of gas through regulated gathering lines;***

Congress modified the definition of this term in the *Pipeline Safety Act of 1992* [12] with the addition of the bold text shown in the definition above. This modification gave the Secretary authority to regulate rural gas gathering lines intended for transportation of gas. The *Pipeline Safety Act of 1992* also required the Secretary to define by regulation the terms "gathering line"

and “regulated gathering line.” A discussion of past attempts to resolve the definition problems and determine the need to regulate rural gathering lines is presented in the *Federal Register* [18]. In March 2006, PHMSA complied with the *Pipeline Safety Act of 1992* [12] by issuing a final rule on gas gathering lines by using a consensus industry standard, American Petroleum Institute (API) Recommended Practice (RP) 80 [19], to define the term onshore gathering line, but limited that standard to preclude operator manipulation and evasion. In addition, PHMSA adopted a two-tiered, risk-based approach for defining regulated onshore gathering line, one that divided those lines into two categories on the basis of operating pressure, design materials, and location. Federal pipeline safety regulations that apply to gas gathering lines are discussed in Section 2.2.1.

In 1990, Congress amended the *Natural Gas Pipeline Safety Act of 1968* by adding a new subsection on offshore pipeline inspection and burial to improve navigational safety and to reduce the hazards to navigation resulting from vessel collisions with pipelines in the marine environment [11]. The amendment includes the following statement.

*the operator of each offshore pipeline facility in the Gulf of Mexico and its inlets shall inspect such pipeline facility and report to the Secretary on any portion of the pipeline facility which is exposed or is a hazard to navigation. This subparagraph shall apply only to pipeline facilities between the mean high water mark and the point where the subsurface is under 15 feet of water, as measured from mean low water.*

The amendment also includes the following statement.

*the Secretary shall establish a mandatory, systematic, and where appropriate, periodic inspection program of offshore pipeline facilities in the Gulf of Mexico and its inlets.*

Congressional actions pertaining to gas gathering lines are codified in U.S. Code, Title 49 – Transportation, Subtitle VIII – Pipelines, Chapter 601 – Safety, § 60101 Definitions as follows.

(a) *GENERAL.—In this chapter—*

(21) *“transporting gas”—*

(A) *means—*

(i) *the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce; and*

(ii) *the movement of gas through regulated gathering lines; but*

*(B) does not include gathering gas (except through regulated gathering lines) in a rural area outside a populated area designated by the Secretary as a nonrural area.<sup>3</sup>*

*(b) GATHERING LINES.—(1)(A) Not later than October 24, 1994, the Secretary shall prescribe standards defining the term “gathering line”.*

*(B) In defining “gathering line” for gas, the Secretary—*

*(i) shall consider functional and operational characteristics of the lines to be included in the definition; and*

*(ii) is not bound by a classification the Commission establishes under the Natural Gas Act (15 U.S.C. 717 et seq.).*

*(2)(A) Not later than October 24, 1995, the Secretary, if appropriate, shall prescribe standards defining the term “regulated gathering line”. In defining the term, the Secretary shall consider factors such as location, length of line from the well site, operating pressure, throughput, and the composition of the transported gas or hazardous liquid, as appropriate, in deciding on the types of lines that functionally are gathering but should be regulated under this chapter because of specific physical characteristics.*

Congressional actions pertaining to offshore pipeline facilities and other waters are codified in U.S. Code, Title 49 – Transportation, Subtitle VIII – Pipelines, Chapter 601 – Safety, § 60108 Inspection and Maintenances as follows.

*(5)(A) Not later than October 24, 1994, the Secretary shall establish standards on what is an exposed offshore pipeline facility and what is a hazard to navigation under this subsection.*

*(B) Not later than 6 months after the Secretary establishes standards under subparagraph (A) of this paragraph, or October 24, 1995, whichever occurs first, the operator of each offshore pipeline facility not described in section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, shall inspect the*

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<sup>3</sup> In clause (21)(B), the words “outside a populated area” are substituted for “which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area” to eliminate unnecessary words.

*facility and report to the Secretary on any part of the facility that is exposed or is a hazard to navigation. This subparagraph applies only to a facility that is between the high water mark and the point at which the subsurface is under 15 feet of water, as measured from mean low water. An inspection that occurred after October 3, 1989, may be used for compliance with this subparagraph if the inspection conforms to the requirements of this subparagraph.*

### **2.1.1.1 Constraints on Regulating Gas Gathering Lines in Rural Locations**

Congress authorized PHMSA to define the terms “gathering line” and “regulated gathering line” based on the following constraints and limitations defined in the *Natural Gas Pipeline Safety Act of 1968* [6] and the *Pipeline Safety Act of 1992* [12].

- In defining the term gathering line, the Secretary shall consider functional and operational characteristics of the lines to be included in the definition and shall not be bound by any classifications established by the Federal Energy Regulatory Commission under the Natural Gas Act.
- In defining the term regulated gathering line, the Secretary shall consider such factors as location, length of line from the well site, operating pressure, throughput, and the composition of the transported gas in determining the types of lines which are functionally gathering but which, due to specific physical characteristics, warrant regulation under this Act.

However, authority to regulate gas gathering in rural areas only extends to regulated gathering lines as defined through a rulemaking proceeding.

In addition to these constraints that apply specifically to gas gathering lines, PHMSA has a more general mandate, which is described in 49 U.S.C. §60102(a)(1), to “*provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities by improving the regulatory and enforcement authority of the Secretary of Transportation.*” Any standard promulgated by PHMSA that is consistent with this purpose and general authority must also comply with practicability and safety needs standards requirements defined in 49 U.S.C. §60102(b)(1) by being:

*(A) practicable; and*

*(B) designed to meet the need for—*

- (i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and*
- (ii) protecting the environment.*

When prescribing any standard, the Secretary must consider the following factors as described in 49 U.S.C. §60102(b)(2).

*(A) relevant available—*

*(i) gas pipeline safety information;*

*(ii) hazardous liquid pipeline safety information; and*

*(iii) environmental information;*

*(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;*

*(C) the reasonableness of the standard;*

*(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;*

*(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;*

*(F) comments and information received from the public; and*

*(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards.*

Mandated requirements for assessing risk are defined in 49 U.S.C. §60102(b)(3). In conducting risk assessments, the Secretary must:

*(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;*

*(B) identify the costs and benefits associated with the proposed standard;*

*(C) include—*

*(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and*

*(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and*

*(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.*

A final rule discussion of the risk-based approach taken by PHMSA to define gas gathering lines is presented in the *Federal Register* [18]. According to PHMSA,

*Not all rural gathering lines present as low a risk as the lines in GPA's survey. Some rural lines are near pockets of housing or operate at high pressures threatening housing further away. In fact, high-pressure gathering lines in populated areas can present the same risk as regulated transmission lines.*

*In consideration of the known and foreseeable risks presented by rural gathering lines, we decided it was no longer appropriate to maintain the almost total exemption of rural lines from part 192. But in changing the present exemption, we also decided to focus on lines posing significant risk, or lines located where a release of gas could have serious consequences.*

The composition of the transported gas can be considered by PHMSA in determining the type of lines which are functionally gathering lines but which, due to specific physical characteristics, warrant regulation under the Act. Hydrogen sulfide (H<sub>2</sub>S), which is a toxic gas that is present in certain natural gas deposits, is potentially hazardous and could be a factor used by PHMSA to regulate gas gathering lines with H<sub>2</sub>S concentrations provided they exceed a specified limit.

#### **2.1.1.2 Implied Prohibition on Regulating Gas Production**

A discussion of the term “transportation of gas” as defined by Congress [6] is presented in Section 2.1.1. Through this definition Congress prohibits PHMSA from regulating natural gas production. Taking this implied prohibition on regulating gas production into consideration; PHMSA has crafted its regulations for gas gathering lines as follows.

As DOT considered the definition for gas gathering line, it stated in 2004 that definitions of production and gathering should not overlap state regulations on production and should be capable of consistent application by regulators and operators [18]. Then, in 2006, PHMSA adopted a final rule requiring operators to use API RP 80 [19] to determine if an onshore pipeline (or part of a connected series of pipelines) is an onshore gathering line. But PHMSA subjected use of API RP 80 to the following limitation on the beginning of gathering.

*The beginning of gathering, under section 2.2(a)(1) of API RP 80, may not extend beyond the furthestmost downstream point in a production operation as defined in section 2.3 of API RP 80. This furthestmost downstream point does not include*

*equipment that can be used in either production or transportation, such as separators or dehydrators, unless that equipment is involved in the processes of “production and preparation for transportation or delivery of hydrocarbon gas” within the meaning of “production operation.”*

The term “production operation” is defined in API RP 80 [19] as follows.

*“Production Operation” means piping and equipment used for production and preparation for transportation or delivery of hydrocarbon gas and/or liquids and includes the following processes:*

*(a) extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, and measurement of hydrocarbon gas and/or liquids; and*

*(b) associated production compression, gas lift, gas injection, or fuel gas supply.*

### **2.1.1.3 Problems with Gas Gathering Line Terminology and Definitions**

Although the term “production operation” is defined in API RP 80 [19], PHMSA has not established a definition for the term “production facility” which is used in the definition of “gathering line” to mean a pipeline that transports gas from a current production facility to a transmission line or main.

It should be noted that operators and government inspectors are having difficulty distinguishing regulated gathering lines from unregulated production facilities and unregulated gathering lines from regulated transmission and distribution lines because the definitions for “transmission line,” “distribution line,” and “gathering line” are circular and 49 CFR 192 does not include a definition for “production facility.” Also, the complexity of many gathering systems has increased the difficulty of distinguishing gathering lines. In addition, onshore gathering lines in rural areas (where onshore gas production facilities are located and onshore gas production operations typically occur) are subject only to inspection and burial requirements for lines within Gulf of Mexico inlets [18].

### **2.1.2 Laws Governing Hazardous Liquid Gathering Lines**

Section 3 of the *Hazardous Liquid Pipeline Safety Act of 1979* [8] authorizes the Secretary of Transportation to establish minimum federal safety standards for the transportation of hazardous liquids and pipeline facilities. The standards must apply to each person who engages in the transportation of hazardous liquids or who owns or operates pipeline facilities and must be practicable and designed to meet the need for safe transportation of hazardous liquids.



In prescribing standards under this section, the Secretary is required to consider:

1. relevant available pipeline data;
2. whether the standards are appropriate for the particular type of pipeline transportation or facility;
3. the reasonableness of any proposed standards; and
4. the extent to which the standards will contribute to public safety.

These standards may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. Any standard issued under this section affecting the design, installation, construction, initial inspection, and initial testing must not be applicable to pipeline facilities in existence on the date such standard is adopted.

#### **2.1.2.1 Specific Prohibition from Regulating Certain Rural Liquid Gathering Lines**

The term “transportation of hazardous liquids” was initially defined by Congress in the *Hazardous Liquid Pipeline Safety Act of 1979* [8] as follows.

*“Transportation of hazardous liquids” means the movement of hazardous liquids by pipeline, or their storage incidental to such movement, in or affecting interstate or foreign commerce; except that it shall not include any such movement through gathering lines in rural locations or onshore production, refining, or manufacturing facilities or storage or in-plant piping systems associated with any of such facilities;*

Congress also defined the term “pipeline facilities” as follows.

*“Pipeline facilities” includes, without limitation, new and existing pipe, rights-of-way, and any equipment, facility, or building used or intended for use in the transportation of hazardous liquids but “rights-of-way” as used in this title does not authorize the Secretary to prescribe the location or the routing of any pipeline facility;*

In 1992, Congress authorized the Secretary to define the term “regulated gathering line” by considering such factors as location, length of line from the well site, operating pressure, throughput, and the composition of the transported gas in determining the types of lines which are functionally gathering but which, due to specific physical characteristics, warrant regulation under the *Pipeline Safety Act of 1992* [12]. This Act also states that such definition shall not include crude oil gathering lines that are of a nominal diameter of 6 inches or less, are operated at low pressure, and are located in rural areas that are not unusually sensitive to environmental damage.

#### **2.1.2.2 Specific Prohibition from Regulating Liquid Production**

Specific prohibitions for regulating liquid production are prescribed in the definition of “transportation of hazardous liquids” included in the *Hazardous Liquid Pipeline Safety Act of 1979* [8]. It clearly excludes onshore production, refining, or manufacturing facilities or storage or in-plant piping systems associated with any of such facilities. The complete text of the definition for “transportation of hazardous liquid” is presented in Section 2.1.2.1.

Specific prohibitions for regulating transportation-related oil flow lines are prescribed in Section 12 of the *Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011* [1]. The term “transportation-related oil flow line” is defined in this section to mean a pipeline transporting oil off of the grounds of the well where it originated and across areas not owned by the producer, regardless of the extent to which the oil has been processed, if at all. However, the following limitation applies to these flow lines.

*Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities or through oil production flow lines located on the grounds of wells.*

### **2.1.3 Prohibition from Prescribing Location or Routing**

According to requirements and limitations prescribed by Congress in the *Hazardous Liquid Pipeline Safety Act of 1979* [8] and codified in 49 U.S.C. Chapter 601, section 60104(e), the Secretary of Transportation is not authorized to prescribe the location or routing of a pipeline facility. In addition, general requirements in section 60105 state that the Secretary of Transportation may not prescribe or enforce safety standards and practices for an intrastate pipeline facility or intrastate pipeline transportation to the extent that the safety standards and practices are regulated by a State authority (including a municipality if the standards and practices apply to intrastate gas pipeline transportation) that submits to the Secretary annually a certification for the facilities and transportation that complies with subsections (b) and (c) of this section. Expressed another way, states with certification may impose more stringent regulations for intrastate pipelines. However, if the Secretary of Transportation does not receive a certification under section 60105, the Secretary is authorized under section 60106 to make an agreement with a State authority (including a municipality if the agreement applies to intrastate gas pipeline transportation) authorizing it to take necessary action. General authority in section 60107 authorizes PHMSA to reimburse a state agency up to 80% of the agency's actual cost for carrying out its pipeline safety program, including the cost of personnel and equipment. The actual amount of federal reimbursement depends upon the availability of appropriated funds and the state's pipeline safety program's performance. A state agency's program performance is based on PHMSA's annual Program Evaluation and Progress Report scoring of each state agency. The Program Evaluation considers a state's performance in achieving established goals for pipeline safety programs set by PHMSA.

## **2.2 PHMSA REGULATORY REQUIREMENTS**

Federal pipeline safety standards for gas lines are prescribed in 49 CFR 192 – *Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards* [3]. Regulations that apply specifically to gas gathering lines are summarized in Section 2.2.1.

Corresponding pipeline safety standards for hazardous liquid lines are prescribed in 49 CFR 195 – *Transportation of Hazardous Liquids by Pipeline* [4]. Regulations that apply specifically to liquid gathering lines are summarized in Section 2.2.2.

In addition to federal pipeline safety regulations in 49 CFR 192 and 49 CFR 195 that apply to gathering lines, state pipeline safety programs may issue more stringent regulations for intrastate pipeline operators under state law. Some states also promulgate regulations related to siting, design, construction, operation, or maintenance of onshore or offshore hazardous liquids or natural gas gathering lines.

### **2.2.1 Gas Gathering Line Regulations**

Regulations for onshore and offshore gas gathering lines are prescribed in 49 CFR 192 [3]. Offshore means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters. Thus pipelines that lie underneath bodies of water considered inlets to the Gulf of Mexico are technically classified as onshore facilities. An operator must use API RP 80 [19], to determine if an onshore pipeline (or part of a connected series of pipelines) is an onshore gathering line.

Definitions in 49 CFR 192.3 state that transportation of natural gas means the gathering, transmission, or distribution of gas by pipeline or the storage of gas, in or affecting interstate or foreign commerce. A natural gas gathering line is defined as a pipeline that transports gas from a current production facility to a transmission line or main. However, the term “production facility” is not defined.

#### **2.2.1.1 Onshore Gas Gathering Lines**

Operators are required to use API RP 80 [19] and the limitations in 49 CFR 192.8(a) to determine if an onshore pipeline (or part of a connected series of pipelines) is an onshore gathering line. After making this determination, operators must determine if the onshore gathering line is a regulated onshore gathering line under rules in §192.8(b). Operators of regulated gathering lines must follow the safety requirements of 49 CFR 192 [3].

Rules in 49 CFR 192.8 establish two distinct categories of regulated onshore gathering lines. Type A regulated onshore gathering lines consist of metallic lines whose maximum allowable operating pressure (MAOP) is 20% or more of SMYS as well as nonmetallic lines with an MAOP of more than 125 pounds per square inch, gage (psig) in a Class 2, 3, or 4 location. Type B regulated onshore gathering lines include metallic lines whose MAOP is less than 20% of SMYS, and nonmetallic lines with an MAOP of 125 psig or less in a Class 2 location (as determined under one of three formulas) or in a Class 3 or Class 4 location.

The following requirements in 49 CFR 192.9(c) apply to Type A gathering lines.

*An operator of a Type A regulated onshore gathering line must comply with the requirements of this part applicable to transmission lines, except the requirements in §192.150 and in subpart O of this part. However, an operator of a Type A regulated onshore gathering line in a Class 2 location may demonstrate compliance with subpart N by describing the processes it uses to determine the qualification of persons performing operations and maintenance tasks.*

Corresponding requirements for Type B gathering lines, which are prescribed in 49 CFR 192.9(d), follow.

*An operator of a Type B regulated onshore gathering line must comply with the following requirements:*

*(1) If a line is new, replaced, relocated, or otherwise changed, the design, installation, construction, initial inspection, and initial testing must be in accordance with requirements of this part applicable to transmission lines;*

*(2) If the pipeline is metallic, control corrosion according to requirements of subpart I of this part applicable to transmission lines;*

*(3) Carry out a damage prevention program under §192.614;*

*(4) Establish a public education program under §192.616;*

*(5) Establish the MAOP of the line under §192.619; and*

*(6) Install and maintain line markers according to the requirements for transmission lines in §192.707.*

This two-tier approach to regulating onshore gathering lines is justified by PHMSA in the following statement in the final rule for *Gas Gathering Line Definition; Alternative Definition for Onshore Lines and New Safety Standards* [18].

*We believe the potential for harm of some onshore gathering lines is too low to warrant DOT regulation. These lines generally have small diameters and operate at low pressures in remote or secluded areas.*

*For other lines, we agree with commenters that the level of regulation should increase as risk increases by operating pressure and proximity to people. Under this approach, the highest risk lines would have the most regulation. This approach is consistent with the statutory directive on determining which rural gathering lines warrant regulation.*

*In deciding what safety rules to apply according to risk, we favored the tiered models two commenters suggested. Tiers are a reasonable way to pair safety regulations with lines posing different levels of risk. However, considering the need for practicality in both compliance and enforcement, we created a model with only two tiers. This approach is discussed in more detail in section II of this preamble.*

*Currently, part 192 regulates nonrural gathering lines and transmission lines similarly, except §192.150 pig passage and subpart O apply only to transmission lines. Nevertheless, PHMSA's incident data indicate gathering and transmission lines do not pose the same overall level of risk to the public. This data shows that transmission line incidents have had a greater impact on the public than gathering line incidents. We therefore believe a significant factor in many nonrural gathering line segments is that they operate at low pressures away from highly populated areas. So safety rules intended for all transmission lines are probably not appropriate for all gathering lines.*

*A related problem with the current part 192 approach to regulation of nonrural lines involves line segments inside sparsely populated areas of cities or towns. Often a city or town will extend its boundaries to incorporate these rural-like areas. For instance, a low-pressure gathering line in such areas may be distant*

*from any populated site but because it lies within city or town boundaries it becomes subject to part 192 and must meet transmission line rules.*

*We believe a risk-based approach is the most suitable for applying part 192 rules to onshore gathering lines whether the lines are in rural or nonrural areas. Regulation of an onshore gathering line should not depend on subdivision or local government boundaries as it does now, but on the risk the line poses to the public based on its pressure and proximity to people. For example, the proximity of a line to dwellings is a much more precise measure of risk than the rural-nonrural approach currently in use. For nonrural lines, this change to a risk-based approach would maintain the current level of regulation where justified by risk. At the same time, it would lighten the present regulatory burden on less risky lines.*

### **2.2.1.2 Offshore Gas Gathering Lines**

The following requirements in 49 CFR 192.9(b) apply to offshore gathering lines.

*An operator of an offshore gathering line must comply with requirements of this part applicable to transmission lines, except the requirements in §192.150 and in subpart O of this part.*

### **2.2.2 Hazardous Liquid Gathering Line Regulations**

Regulations in 49 CFR 195 [4] define a gathering line as a pipeline 8-5/8 in. (219.1 mm) or less nominal outside diameter that transports petroleum from a production facility. Petroleum means crude oil, condensate, natural gasoline, natural gas liquids, and liquefied petroleum gas. A production facility means piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation or treating of petroleum or carbon dioxide, or associated storage or measurement. (To be a production facility under this definition, piping or equipment must be used in the process of extracting petroleum or carbon dioxide from the ground or from facilities where carbon dioxide is produced, and preparing it for transportation by pipeline. This includes piping between treatment plants which extract carbon dioxide, and facilities utilized for the injection of carbon dioxide for recovery operations.)

#### **2.2.2.1 Onshore Hazardous Liquid Gathering Line**

Requirements in 49 CFR 195.1(a)(4) cover transportation of petroleum in any of the following onshore gathering lines:

- a pipeline located in a non-rural area;
- to the extent provided in §195.11, a regulated rural gathering line defined in §195.11; or
- to the extent provided in §195.413, a pipeline located in an inlet of the Gulf of Mexico.

A rural area as defined in 49 CFR 195.2 means outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, or community development.

A regulated rural gathering line is defined in §195.11 to mean an onshore gathering line in a rural area that meets all of the following criteria:

- Has a nominal diameter from 6-5/8 in. (168 mm) to 8-5/8 in. (219.1 mm);
- Is located in or within one-quarter mile (0.40 kilometer (km)) of an unusually sensitive area as defined in §195.6; and
- Operates at a maximum pressure established under 49 CFR 195.406 corresponding to:
  - ✓ A stress level greater than 20% of the specified minimum yield strength of the line pipe; or
  - ✓ If the stress level is unknown or the pipeline is not constructed with steel pipe, a pressure of more than 125 psig (861 kilo Pascals).

Safety requirements for regulated rural hazardous liquid gathering lines are provide in 49 CFR 195.11(b). According to these requirements, each operator must prepare, follow, and maintain written procedures to carry out the requirements of this section. Except for requirements in (b)(2), (b)(3), (b)(9), and (b)(10), the safety requirements apply to all materials of construction.

(b)(1) Identify all segments of pipeline meeting the criteria in paragraph (a) of this section before April 3, 2009.

(b)(2) For steel pipelines constructed, replaced, relocated, or otherwise changed after July 3, 2009, design, install, construct, initially inspect, and initially test the pipeline in compliance with this part, unless the pipeline is converted under §195.5.

(b)(3) For non-steel pipelines constructed after July 3, 2009, notify the Administrator according to §195.8.

(b)(4) Beginning no later than January 3, 2009, comply with the reporting requirements in subpart B of this part.

(b)(5) Establish the maximum operating pressure of the pipeline according to §195.406 before transportation begins, or if the pipeline exists on July 3, 2008, before July 3, 2009.

(b)(6) Install line markers according to §195.410 before transportation begins, or if the pipeline exists on July 3, 2008, before July 3, 2009. Continue to maintain line markers in compliance with §195.410.

(b)(7) Establish a continuing public education program in compliance with §195.440 before transportation begins, or if the pipeline exists on July 3, 2008, before January 3, 2010. Continue to carry out such program in compliance with §195.440.

(b)(8) Establish a damage prevention program in compliance with §195.442 before transportation begins, or if the pipeline exists on July 3, 2008, before July 3, 2009. Continue to carry out such program in compliance with §195.442.

(b)(9) For steel pipelines, comply with subpart H of this part, except corrosion control is not required for pipelines existing on July 3, 2008 before July 3, 2011.

(b)(10) For steel pipelines, establish and follow a comprehensive and effective program to continuously identify operating conditions that could contribute to internal corrosion. The program must include measures to prevent and mitigate internal corrosion, such as cleaning the pipeline and using inhibitors. This program must be established before transportation begins or if the pipeline exists on July 3, 2008, before July 3, 2009.

(b)(11) To comply with the Operator Qualification program requirements in subpart G of this part, have a written description of the processes used to carry out the requirements in §195.505 to determine the qualification of persons performing operations and maintenance tasks. These processes must be established before transportation begins or if the pipeline exists on July 3, 2008, before July 3, 2009.

#### **2.2.2.2 Offshore Hazardous Liquid Gathering Line**

Offshore means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters. Gulf of Mexico and its inlets means the waters from the mean high water mark of the coast of the Gulf of Mexico and limit of inland waters. Its inlets open to the sea (excluding rivers, tidal marshes, lakes, and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet (4.6 meters (m)), as measured from the mean low water [4].



Requirements in 49 CFR 195.413 for underwater inspection and reburial of pipelines in the Gulf of Mexico and its inlets apply to gathering lines greater than 4-1/2 in. (114 mm) nominal diameter. According to these requirements, each operator must prepare and follow a procedure to identify its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 m) deep as measured from mean low water that are at risk of being an exposed underwater pipeline or a hazard to navigation. In addition, each operator must conduct appropriate periodic underwater inspections of its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 m) deep as measured from mean low water based on the identified risk. If an operator discovers that its pipeline is an exposed underwater pipeline or poses a hazard to navigation, the operator must:

1. Promptly, but not later than 24 hours after discovery, notify the National Response Center, telephone: 1- 800-424-8802, of the location and, if available, the geographic coordinates of that pipeline.
2. Promptly, but not later than 7 days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and at intervals of not over 500 yards (457 m) long, except that a pipeline segment less than 200 yards (183 m) long need only be marked at the center; and
3. Within 6 months after discovery, or not later than November 1 of the following year if the 6 month period is later than November 1 of the year of discovery, bury the pipeline so that the top of the pipe is 36 in. (914 mm) below the underwater natural bottom (as determined by recognized and generally accepted practices) for normal excavation or 18 inches (457 mm) for rock excavation.
  - a. An operator may employ engineered alternatives to burial that meet or exceed the level of protection provided by burial.
  - b. If an operator cannot obtain required state or Federal permits in time to comply with this section, it must notify OPS; specify whether the required permit is State or Federal; and, justify the delay.

### 3. PHMSA STATE PARTNERS WITH REGULATIONS THAT EXCEED PHMSA REQUIREMENTS

An online review of state agency regulations was conducted to determine the existence of regulatory requirements for the design, construction, operation, and maintenance of hazardous liquid or natural gas gathering lines. The review focused on laws and regulations pertaining to natural gas and hazardous liquid gathering lines administered by the various PHMSA partner agencies listed in Table 3.1. The scope of the review was limited by PHMSA to the subset of states with oil and gas production.

**Table 3.1 PHMSA state partner agencies with authority over natural gas and hazardous liquid gathering lines**

State	PHMSA Partner Agency
Alabama	Alabama Public Service Commission, Energy Division, Gas Pipeline Safety Section
Arkansas	Arkansas Public Service Commission, Pipeline Safety Office
California	California Department of Forestry and Fire Prevention, Office of the State Fire Marshal, Pipeline Safety Division California Public Utilities Commission
Colorado	Colorado Public Utilities Commission, Gas Pipeline Safety Division
Delaware	Public Service Commission
Illinois	Illinois Commerce Commission
Indiana	Indiana Utility Regulatory Commission, Pipeline Safety Division
Kansas	Kansas Corporation Commission, Pipeline Safety Division
Kentucky	Kentucky Public Service Commission, Division of Engineering, Gas Branch
Louisiana	Louisiana Department of Natural Resources, Office of Conservation, Pipeline Division, Pipeline Safety Program
Maryland	Public Service Commission
Michigan	Department of Licensing and Regulatory Affairs, Michigan Public Service Commission, Gas Safety Office

<b>State</b>	<b>PHMSA Partner Agency</b>
Mississippi	Mississippi Public Service Commission, Pipeline Safety Division
Montana	Montana Public Service Commission
Nebraska	Nebraska Public Service Commission
Nevada	Nevada Public Utilities Commission
New Mexico	New Mexico Public Regulation Commission, Pipeline Safety Bureau
New York	New York State Department of Public Service, Office of Electric, Gas and Water
North Dakota	North Dakota Public Service Commission, Testing and Safety Division
Ohio	Public Utilities Commission of Ohio, Gas Pipeline Safety Section
Oklahoma	Oklahoma Corporation Commission, Pipeline Safety Department
Pennsylvania	Public Utilities Commission
South Dakota	South Dakota Public Utilities Commission, Pipeline Safety Division
Tennessee	Tennessee Regulatory Authority, Gas Pipeline Safety Division
Texas	Railroad Commission of Texas, Pipeline Safety Division
Utah	Division of Public Utilities, Pipeline Safety Section
Virginia	Virginia State Corporation Commission, Division of Utility and Railroad Safety, Pipeline Safety Section
West Virginia	West Virginia Public Service Commission
Wyoming	Wyoming Public Utilities Commission, Gas Pipeline Safety Division

Note: A list of state partners is available at the following PHMSA link:

<http://phmsa.dot.gov/portal/site/PHMSA/menuitem.ebdc7a8a7e39f2e55cf2031050248a0c/?vgnextoid=cfa64a7e1997d110VgnVCM1000009ed07898RCRD&vgnnextchannel=913ac0>

[124500d110VgnVCM1000009ed07898RCRD&vgnnextfmt=print](#)

Gathering lines are an integral part of oil and gas production and processing operations. Depending on their physical locations, functional requirements, and design features, some gathering lines are regulated by PHMSA and its state partner agencies while others are unregulated. Certain states also promulgate regulations that extend beyond federal pipeline safety regulations for siting, design, construction, operation, or maintenance of onshore or offshore hazardous liquids or natural gas gathering lines. Results of the online search for rules and regulations for the agencies identified in Table 3.1 are presented in Appendix A. The following information categories were used to organize and tabulate the search results on a state-by-state basis.

- State
- State Agency
- Regulation in Place
- Summary
- Enforcement Authority: Yes/No
- Enforcement Authority Active/Passive
- Link

State partner agencies must incorporate federal pipeline safety standards in 49 CFR 192 [3] and 49 CFR 195 [4] into their regulations, but they are also authorized to adopt more stringent regulations for intrastate pipeline operators. The following sections summarize the more stringent gathering line design, construction, operation, and maintenance regulations adopted by specific states. However, most of the regulations that extend beyond federal pipeline safety standards are written as performance-based standards with limited or no authorized acceptance criteria rather than prescriptive requirements with clearly defined acceptance criteria making direct comparison difficult or impossible. A summary of the performance-based standards and prescriptive requirements adopted by specific state and federal agencies that could be more stringent than federal pipeline safety standards follows.

### **3.1 DESIGN AND CONSTRUCTION REGULATIONS**

Kentucky and Tennessee require compliance with applicable design requirements in the American Society of Mechanical Engineers (ASME), *Gas Transmission and Distribution Piping Systems*, ASME B31.8 [20]. This code covers the design, fabrication, installation, inspection, and testing of pipeline facilities used for the transportation of gas. It also covers safety aspects of

the operation and maintenance of those facilities. Other states with design and construction requirements for gathering lines include Alabama, California, Colorado, New York, Mississippi, and Ohio.

Development of individual sections of the ASME piping code began in 1955 with a review by the B31 Executive and Sectional Committees that resulted in a decision to develop and publish industry sections as separate code documents of the American Standard B31 Code for Pressure Piping. Over the years, these documents were revised and updated to reflect changes in material science and advancements in engineering technology. The rules in these codes served as the basis for the initial pipeline safety regulations adopted by DOT in accordance with the Congressional mandate in the *Natural Gas Pipeline Safety Act of 1968* [6].

### **3.1.1 Alabama Design and Construction Regulations**

Alabama regulations state that all intrastate gathering lines, located in a rural location, must be designed, installed, constructed, and maintained in accordance with generally accepted industry standards. However, specific industry standards are not defined. Each gathering line must be constructed in accordance with written specifications submitted to and approved by the State Geologist that serves as the State Oil and Gas Supervisor. In addition, prior to installing any gathering line, the operator must submit to the Supervisor information pertaining to the design of the line including the following when applicable:

1. Location, route and length of line;
2. Line pipe specifications to include size, weight, grade, wall thickness, and coating;
3. MAOP of pipeline and calculations used in its determination;
4. Maximum throughput capacity of pipeline at design conditions;
5. Generalized construction drawings;
6. Types of corrosion protection;
7. Burial depths of line;
8. Pressure test procedures to which the line will be tested prior to operation;
9. Location and type of safety and pollution control equipment;
10. Line marking method and procedures; and
11. Additional information when required by the Supervisor.

### **3.1.2 California Design and Construction Regulations**

California regulations require newly installed pipelines to be designed, constructed, and all pipelines must be tested, operated, and maintained in accordance with good oil field practice and

applicable standards, as set forth in either the API RP 1110, 3rd Ed., Dec. 1991, and API Specifications effective 1990), American Society for Testing and Materials (ASTM Designation Standard Specifications, 1991), or CFR 49, Part 192, or other methods approved by the State Oil and Gas Supervisor. The Supervisor may require design or construction modifications, and additional testing and maintenance if he or she determines that good oil field practices and applicable standards have not been used. Good oil field practice includes, but is not limited to:

- (a) Utilization of preventative methods such as cathodic protection and corrosion inhibitors, as appropriate, to minimize external and internal corrosion.
- (b) Utilization of pipeline coating or external wrapping for new or replaced buried or partially buried pipelines to minimize external corrosion. The coating or external wrapping should have a high electrical resistance, be an effective moisture barrier, have good adhesion to the pipe, and be able to resist damage during handling.
- (c) Employment, where practical, of equipment such as high and low-pressure or level alarms, automatic notification devices, and safety shut-down devices to minimize spill volume in the event of a leak.
- (d) If feasible, locating above ground, preferably on supports or racks, any new pipelines or parts of a pipeline system that are being relocated or replaced.

In addition, all oil produced offshore in California must be transported onshore by pipeline only. The pipelines used to transport this oil must utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.

### **3.1.3 Colorado Design and Construction Regulations**

Colorado regulations state that materials for pipe and other components of pipelines must be:

- Able to maintain the structural integrity of the pipeline under temperature, pressure, and other conditions that may be anticipated;
- Compatible with the substances to be transported; and
- Locatable by a tracer line or location device placed adjacent to or in the trench of all buried nonmetallic pipelines to facilitate the location of such pipelines.

In addition, each component of a pipeline must be designed and installed to prevent failure from corrosion and to withstand anticipated operating pressures and other loadings without impairment of its serviceability. The pipe must have sufficient wall thickness or be installed with adequate protection to withstand anticipated external pressures and loads that will be imposed on the pipe after installation.

### **3.1.4 New York Design and Construction Regulations**

New York regulations state that certain gathering lines must be designed, constructed, tested, operated and maintained in conformance with sound engineering practices. In addition, the pipeline must be subjected to a minimum pressure test of 100 psig or 1 1/2 MAOP, whichever is greater, for two hours. However, the maximum test pressure for plastic pipe may not be more than three times the design pressure of the pipe. Where reservoir pressure of the field is less than these pressures, the reservoir pressure may be the test pressure.

### **3.1.5 Mississippi Design and Construction Regulations**

Mississippi regulations include the following statement.

All pipelines shall be designed and maintained in accordance with the following:

- A. The operator shall be responsible for the installation of the following control devices on all oil and gas pipelines connected to a platform, including pipelines which are not operated or owned by the operator. The operator shall submit records to the Supervisor semi-annually showing the present status and past history of each device, including dates and details of inspection, testing, repairing, adjustment and re-installation:
  - (1) All oil and gas pipelines leaving a platform receiving production from the platform shall be equipped with a high-low pressure sensor to directly or indirectly shut-in the wells on the platform.
  - (2) (a) All oil and gas pipelines delivering production to production facilities on a platform shall be equipped with an automatic shut-in valve connected to the platform's automatic and remote shut-in system.
  - (b) All oil and gas pipelines coming onto a platform shall be equipped with a check valve to avoid backflow.
  - (c) Any oil or gas pipelines crossing a platform which do not deliver production to the platform, but which may or may not receive production from the platform, shall be equipped with high-low pressure sensors to activate an automatic shut-in valve to be located in the upstream portion of the pipeline at the platform. This automatic shut-in valve shall be connected to either the platform automatic and remote shut-in system or to an independent remote shut-in system.
  - (d) All pipeline pumps shall be equipped with high-low pressure shut-in devices.
- B. All pipelines shall be protected from loss of metal by corrosion that would endanger the strength and safety of the lines either by providing extra metal for corrosion allowance, or by some means of preventing loss of metal such as protective coatings or cathodic protection.

- C. All pipelines shall be installed and maintained to be compatible with trawling operations and other uses.
- D. All pipelines shall be hydrostatically tested to one and twenty-five one-hundredths (1.25) times the designed working pressure for a minimum of two (2) hours prior to placing the line in service.
- E. All pipelines shall be maintained in good operating condition at all times and inspected monthly for indication of leakage using aircraft, floating equipment or other methods. Records of these inspections including the date, methods and results of each inspection shall be maintained by the pipeline operator and submitted annually by April 1. The pipeline operator shall submit records indicating the cause, effect and remedial action taken regarding all pipeline leaks within one (1) week following each such occurrence.
- F. All pipelines shall be designed to be protected against water currents, storm scouring, soft bottoms and other environmental factors.

### **3.1.6 Ohio Design and Construction Regulations**

Ohio regulations state that all pipelines and fittings appurtenant thereto used in the drilling, operating or producing of oil and natural gas wells must be designed for at least the greatest anticipated operating pressure or the maximum regulated relief pressure in accordance with the current recognized design practices of the industry.

## **3.2 OPERATION AND MAINTENANCE REGULATIONS**

Alabama, Arkansas, Mississippi, and Oklahoma promulgated more stringent regulations that apply to operations involving H<sub>2</sub>S. These regulations are intended to control the effects of H<sub>2</sub>S. Other states with operation and maintenance requirements for gathering lines include Alabama, Arkansas, and California.

### **3.2.1 Alabama Operation and Maintenance Regulations**

In Alabama, all equipment and materials that will be exposed, or can reasonably be expected to be exposed to H<sub>2</sub>S, must be designed and maintained to resist damage caused by H<sub>2</sub>S stress cracking, embrittlement, or corrosion. The design must be in accordance with applicable National Association of Corrosion Engineers (NACE) Standards. In addition, when required, operators must determine the H<sub>2</sub>S concentration in the gaseous mixture in an operation or system using a test conducted in accordance with standards as set by ASTM Standard D-2385-66, or Gas Processors Association (GPA) Plant Operation Test Manual C-1, GPA Publication 2265-68, as revised, or other methods approved by the State Oil and Gas Supervisor. Alabama regulations



further state that all gathering lines and right of ways must be maintained and operated in safe manner and in accordance with this rule.

In addition, prior to initiating operation of said gathering line, the operator must submit to the Supervisor for approval the following information:

1. Method, documentation, and results of pressure test;
2. Frequency, method of inspection, documentation, and record maintenance of a pipeline inspection program;
3. The following certification signed and dated with the title of the company representative:  
“(Operator) certifies that the (Gathering Line) has been designed and installed in accordance with accepted industry standards and procedures and that future modifications will be performed by qualified personnel;”
4. Any modification to a gathering line shall be submitted to and approved by the Supervisor prior to making such modification. Such operations may include, but not be limited to, the addition of a source or incoming side stream, increasing the pressure or capacity, or any modification that will alter the accuracy of the information previously submitted. Prior to placing the line back into service, the operator shall recertify the gathering line; and
5. Additional information when required by the Supervisor.

Alabama regulations further state that all gathering lines and right of ways must be maintained and operated in safe manner and in accordance with this rule.

### **3.2.2 Arkansas Operation and Maintenance Regulations**

Arkansas adopted the following construction requirements for all pipelines containing 100 ppm or greater H<sub>2</sub>S.

- All pipeline materials must be chemically compatible with any natural gas transported by the pipeline and such pipeline shall maintain structural integrity under the anticipated temperatures and environmental conditions for which the pipeline may be exposed, and
- All piping must be of sufficient thickness or must be installed with adequate protection to withstand anticipated external pressures and loads that will be imposed on the pipe after installation, and
- No pipeline may be operated after new construction, repair or relocation until it has been successfully tested for at least one hour with a minimum pressure of 1.25 times the maximum operating pressure to substantiate the maximum operating pressure with all leaks located and eliminated, and

- All metallic pipelines must be adequately protected from both external and internal corrosion and the operator is required to submit an annual report, by March 31 of every year for the preceding calendar year, of the effectiveness of the company's corrosion program, with such protection efforts performed by an independent contractor specializing in the control of corrosion.

### **3.2.3 California Operation and Maintenance Regulations**

California requires a preventative maintenance plan that includes industry standards for maintenance and corrosion prevention. California regulations also include a requirement for periodic pipeline testing and inspection. According to the regulation, a mechanical integrity test must be performed on all active environmentally sensitive pipelines that are gathering lines, and all urban pipelines over 4 in. diameter, every two years. Pipelines less than 10 years old are exempt from the two year testing requirement. These tests must be performed to ensure the pipeline integrity by using at least one of the following methods:

- (1) Nondestructive testing using ultrasonic or other techniques approved by the Supervisor, to determine wall thickness.
- (2) Hydrostatic testing using the guidelines recommended in Publication API RP 1110 (3d Ed., Dec. 1991), Testing of Liquid Petroleum Pipelines, or the method approved by the State Fire Marshal, Pipeline Safety and Enforcement Division.
- (3) Internal inspection devices such as a smart pig, as approved by the Supervisor.
- (4) Or any other method of ensuring the integrity of a pipeline that is approved by the Supervisor. Copies of test results shall be maintained in a local office of the operator for five years and made available to the Division, upon request. The operator shall repair and retest or remove from service any pipeline that fails the mechanical integrity test. The Division shall be promptly notified in writing by the operator of any pipeline taken out of service due to a test failure.

In addition, operators must visually inspect all aboveground pipelines for leaks and corrosion at least once a year.

### **3.2.4 Mississippi Operations and Maintenance Regulations**

Mississippi regulations state that preventative measures shall be taken to control the effects of H<sub>2</sub>S at all operations where H<sub>2</sub>S concentrations in the gas stream are equal to 100 ppm or more. Such operations shall include, but may not be limited to drilling, working over, testing, producing, gathering, metering, processing, storing, transporting, and injecting.

### **3.2.5 Oklahoma Operation and Maintenance Regulations**

Oklahoma regulations state that each operator who conducts operations as described in the subsection regulation must provide safeguards to protect the general public from the harmful effects of H<sub>2</sub>S with a concentration equal to or greater than 100 ppm. Operations include drilling, working over, producing, injecting, gathering, processing, transporting, and storage of hydrocarbon fluids that are part of, or directly related to, field production, transportation, and handling of hydrocarbon fluids that contain gas in the system which has H<sub>2</sub>S as a constituent of the gas.

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#### 4. REGULATORY REQUIREMENTS OF OTHER FEDERAL AGENCIES

To ensure pipeline safety, PHMSA collaborates and coordinates with other federal agencies and programs that share similar and interconnected responsibilities, goals, and objectives. Agencies such as the Federal Energy Regulatory Commission (FERC), Environmental Protection Agency (EPA), Department of Homeland Security (DHS), and the Bureau of Safety and Environmental Enforcement (BSEE) have jurisdictions and responsibilities related to pipelines. Other agencies have responsibilities for lands across which pipelines are routed. To create a clear understanding of each party's purpose and of their commitments, OPS has memorandums of understanding with certain federal agencies. Depending on the areas through which a pipeline is proposed, there are a variety of permitting processes that may apply, some of which are only tangentially related to pipeline safety, and yet could be relevant to the consequences of an incident.

An online search of the federal agencies listed in Table 4.1 was conducted to determine their roles and responsibilities in design, construction, operation, maintenance, siting, licensing, and permitting of hazardous liquid or natural gas gathering lines.

**Table 4.1 Federal agencies with authority over natural gas and hazardous liquid gathering lines**

Agency	Department
Advisory Council on Historic Preservation	
Federal Energy Regulatory Commission	
General Services Administration	
U.S. Environmental Protection Agency	
U.S. Postal Service	
Forest Service	U.S. Department of Agriculture
National Oceanic and Atmospheric Administration, National Marine Fisheries Service	U.S. Department of Commerce
National Oceanic and Atmospheric Administration, National Ocean Service	U.S. Department of Commerce
Army Corps of Engineers	U.S. Department of Defense
United States Coast Guard	U.S. Department of Homeland Security
Bureau of Land Management	U.S. Department of the Interior
Fish and Wildlife Service	U.S. Department of the Interior
Bureau of Indian Affairs	U.S. Department of the Interior
National Park Service	U.S. Department of the Interior
Minerals Management Service	U.S. Department of the Interior

Bureau of Ocean Energy Management

U.S. Department of the Interior

Bureau of Safety and Environmental  
Enforcement

U.S. Department of the Interior

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The roles and responsibilities for these federal agencies are summarized in Appendix B.

#### **4.1 FEDERAL ENERGY REGULATORY COMMISSION**

The FERC is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. Federal statutes give FERC a role in pipeline matters, some of them closely related to safety issues. These roles include:

- Regulating the transmission and sale of natural gas for resale in interstate commerce.
- Regulating the transportation of oil by pipeline in interstate commerce.
- Approving the siting and abandonment of interstate natural gas pipelines and storage facilities.

Companies building interstate natural gas pipelines must first obtain certificates of public convenience and necessity from FERC.

Areas that are outside of FERC's jurisdictional responsibility include:

- Oversight for the construction of oil pipelines.
- Abandonment of service as related to oil facilities.
- Responsibility for pipeline safety for pipeline transportation on or across the Outer Continental Shelf.

Although PHMSA regulations cover some aspects of construction and design, FERC regulations also play a role in construction, and are intended to reduce environmental damage from construction and repair of interstate natural gas pipelines. These include sets of regulations for construction (and replacement or repair projects) in wetlands, water bodies, and upland areas. It also has enforcement authority for violations of these regulations. Under section 7 of the Natural Gas Act of 1938, the Commission reviews applications for the construction and operation of natural gas pipelines. In its application review, the Commission ensures that the applicant has certified that it will comply with DOT safety standards. The Commission has no jurisdiction over pipeline safety or security, but actively works with other agencies with safety and security responsibilities.

#### **4.2 ENVIRONMENTAL PROTECTION AGENCY (EPA)**

The EPA is responsible for administering a wide variety of environmental laws. The responsibilities of EPA relevant to the pipeline permitting process include commenting on environmental impact statements under Section 309 of the Clean Air Act, participating in the Clean Water Act Section 404 permit process, and issuing or reviewing authorized States' issuance of National Pollutant Discharge Elimination System permits for point source discharges of storm water from construction activities that disturb areas in excess of one acre, pursuant to Section 402 of the Clean Water Act. The EPA is the lead federal response agency for oil spills occurring in inland waters.

#### **4.3 DEPARTMENT OF HOMELAND SECURITY**

The [U.S. Coast Guard](#) within DHS regulates facilities that are capable of transferring oil or hazardous materials in bulk to or from a vessel, where the vessel has a total capacity of 250 barrels or more. A memorandum of understanding with PHMSA clearly defines which pipelines each organization regulates. Pipelines are subject to [safety regulations](#) relative to preparedness and response to spills on navigable waters. The U.S. Coast Guard is the lead federal response agency for spills in coastal waters and deepwater ports.

The U.S. Coast Guard also issues approvals of work associated with construction and maintenance of bridges at aerial pipeline crossings over navigable waters and other activities that may impact navigation; oversees vessel movement in and out of the Valdez Marine Terminal in Alaska; and terminal safety issues. In addition, the U.S. Coast Guard regulates marine navigation generally, and may declare as hazards to navigation exposed pipeline segments or other subsurface obstructions.

#### **4.4 BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT**

The BSEE, an agency within the U.S. Department of the Interior, is responsible for safety and environmental oversight of offshore oil and gas operations, including permitting and inspections of offshore oil and gas operations. Its functions include the development and enforcement of safety and environmental regulations; permitting offshore exploration, development, and production; inspections; offshore regulatory programs; oil spill response; and newly formed training and environmental compliance programs. There are clear differences between pipelines that are regulated by PHMSA and those regulated by the BSEE with no jurisdictional overlap.

#### **4.5 BUREAU OF LAND MANAGEMENT**

The Bureau of Land Management (BLM), within the U.S. Department of the Interior, has jurisdiction over onshore leasing, exploration, development, and production of oil and gas on federal lands. In addition, the BLM approves and supervises most oil and gas operations on American Indian lands. It is also responsible for the management of federal lands.

The BLM issues right-of-way grants and permits authorizing the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined products produced there from, by pipelines



using federal lands. Section 28 of the Mineral Leasing Act of 1920, as amended, gives BLM the authority to issue right-of-way grants and permits for oil and gas pipelines through all lands owned by the United States, except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf.

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**5. REGULATORY REQUIREMENTS PROMULGATED BY STATE AGENCIES OTHER THAN PHMSA PARTNER ENTITIES**

An online review of regulations adopted by state agencies other than PHMSA partner entities was conducted to determine the existence of regulatory requirements for the design, construction, operation, and maintenance of hazardous liquid or natural gas gathering lines. The review focused on laws and regulations pertaining to natural gas and hazardous liquid gathering lines administered by the state oil and gas agencies listed in Table 5.1.

**Table 5.1 State oil and gas agencies with authority over natural gas and hazardous liquid gathering lines**

<b>State</b>	<b>Oil and Gas Agency</b>
Alabama	Geological Survey of Alabama, State Oil & Gas Board of Alabama
Alaska	Alaska Department of Natural Resources, Division of Oil and Gas  Department of Administration, Oil and Gas Conservation Commission  Alaska Department of Environmental Conservation
Arkansas	Arkansas Oil and Gas Commission
California	Department of Conservation, Division of Oil, Gas and Geothermal Resources
Colorado	Colorado Oil & Gas Conservation Commission
Illinois	Illinois Department of Natural Resources
Indiana	Indiana Department of Natural Resources, Division of Oil and Gas
Kansas	Kansas Corporation Commission, Oil and Gas Conservation Division
Kentucky	Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas
Louisiana	Louisiana Department of Natural Resources, Office of Conservation, Pipeline Division, Pipeline Operations Program
Maryland	Department of the Environment
Mississippi	Mississippi Oil and Gas Board
Montana	Department of Natural Resources and Conservation,

<b>State</b>	<b>Oil and Gas Agency</b>
	Montana Board of Oil & Gas Conservation
Nebraska	Nebraska Oil & Gas Conservation Commission
Nevada	Commission on Mineral Resources, Division of Minerals
New Mexico	Energy, Minerals and Natural Resources Department, Oil Conservation Division
New York	New York State Department of Environmental Conservation, Division of Mineral Resources
North Dakota	Department of Mineral Resources, Oil and Gas Division
Ohio	Department of Natural Resources, Division of Mineral Resource Management
Oklahoma	Oklahoma Corporation Commission, Oil and Gas Division
Pennsylvania	Department of Environmental Protection
South Dakota	South Dakota Department of Environment and Natural Resources, Geological Survey Program
Tennessee	Tennessee State Oil & Gas Board
Texas	Railroad Commission of Texas, Oil and Gas Division
Utah	Department of Natural Resources, Division of Oil, Gas and Mining
Virginia	Virginia Department of Mines, Minerals and Energy, Division of Gas and Oil
West Virginia	West Virginia Division of Environmental Protection, Oil and Gas Conservation Commission
Wyoming	Oil and Gas Conservation Commission

Results of the search are presented in Appendix A using the following information categories to organize and tabulate the search results on a state-by-state basis.

- State
- State Agency
- Regulation in Place
- Summary

- Enforcement Authority: Yes/No
- Enforcement Authority Active/Passive
- Link

The *Natural Gas Pipeline Safety Act of 1968* [6]) and the *Hazardous Liquid Pipeline Safety Act of 1979* [8] limit the authority of state agencies to establish intrastate pipeline safety standards.

The *Natural Gas Pipeline Safety Act of 1968* [6] includes the following statement in Sec. 3(a).

*Any State agency may adopt such additional or more stringent standards for pipeline facilities and the transportation of gas not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act as are not incompatible with the Federal minimum standards, but may not adopt or continue in force after the interim standards provided for above become effective any such standards applicable to interstate transmission facilities.*

The *Hazardous Liquid Pipeline Safety Act of 1979* includes the following statement in Sec. 203(d).

*Any State agency may adopt additional or more stringent safety standards for intrastate pipeline facilities and the transportation of hazardous liquids associated with such facilities, if such standards are compatible with the Federal standards issued under this title. No State agency may adopt or continue in force any safety standards applicable to interstate pipeline facilities or the transportation of hazardous liquids associated with such facilities.*

Various state agencies that are not PHMSA partners have used this authority to promulgate more stringent requirements than those in 49 CFR 192 [3] and 49 CFR 195 [4] for intrastate gathering lines. Except for Alaska, regulations promulgated by these state agencies that extend beyond federal pipeline safety standards are generally performance-based requirements with limited or no authorized acceptance criteria. Therefore, direct comparison with requirements in 49 CFR 192 [3] and 49 CFR 195 [4] is difficult or impossible. A summary of the performance-based requirements adopted by specific state agencies in Alabama, Alaska, Kentucky, New York, and Texas that could be more stringent than federal pipeline safety standards and the prescriptive standards adopted by Alaska follows.

## **5.1 STATE OIL AND GAS BOARD OF ALABAMA**

The State Oil and Gas Board of Alabama is a regulatory agency of the State of Alabama with the statutory charge of preventing waste and promoting the conservation of oil and gas while ensuring the protection of both the environment and the correlative rights of owners. The Board is granted broad authority in Alabama oil and gas conservation statutes to promulgate and enforce rules and regulations to ensure the conservation and proper development of Alabama's

petroleum resources. The State Geologist serves as the State Oil and Gas Supervisor and is the secretary of the board.

The oil and gas regulatory program involves:

- Conducting field inspections of oil and gas wells and facilities for compliance with oil and gas laws, rules, regulations, and orders and directives issued by the Board, and prevention of adverse impacts to public health and safety and the environment.
- Providing a fair, consistent and efficient regulatory enforcement program that promptly addresses issues of regulatory noncompliance with special emphasis on activities that potentially pose the greatest risk to safety, public health, and the environment.

The following rules in Alabama could extend beyond federal pipeline safety standards.

1. The operator of record shall immediately notify the Supervisor in writing of any agreement or other transaction, by which a new operator is to be designated for a well or wells, including all associated production, processing, injection, plant, and gathering line and pipeline facilities, and all other equipment associated with such well or wells.
2. Prior to the construction and operation of a gathering line, approval must be obtained from the Supervisor.
3. Each gathering line must be constructed in accordance with the written specifications submitted to and approved by the Supervisor.
4. A location map and generalized process and flow diagrams of each compressor station, including working pressure ranges, safety equipment, and ancillary equipment shall be submitted to the Supervisor prior to the installation of the facility.
5. All gathering lines and right of ways shall be maintained and operated in safe manner and in accordance with this rule.
6. Each gathering line abandoned in place must be disconnected from all sources and supplies of hydrocarbons and purged with water or inert materials.
7. Plans to abandon sour gas gathering lines (transport material contains hydrogen sulfide) in place shall be submitted to the Supervisor for approval.
8. Operators must provide a twenty-four hour notice to the Supervisor prior to any gathering line construction as to have an authorized representative witness joining of pipe, covering pipe, and pressure testing of gathering lines.
9. Remedial action to repair or replace damaged gathering lines may be performed as needed but the Supervisor should be notified as soon as possible.
10. The design, construction, and operation of gathering lines transporting hydrocarbons that contain hydrogen sulfide concentrations equal to or greater than one hundred (100) parts per million (ppm) in the system must comply with the requirements as set forth in Rule 400-1-9-.02, relating to Operations Involving Hydrogen Sulfide. Rule 400-1-9-.02 outlines operator responsibilities; a required safety program; exposed equipment and materials; a required warning system; personnel training requirements; personnel safety

equipment; a required contingency plan; Certificate of Compliance; exemptions; well testing procedures; and specific sour flowlines and sour gathering lines.

11. The Supervisor shall be notified immediately of a fire, spill, leak, or blow out that occurs at or is related to the operation of any well, production, processing, storage, Class II injection facility, underground storage facility, plant, or gathering line or flowline, used in operations including but not limited to drilling, completing, testing, recompletion or reworking, producing, processing, storing, injecting, gathering, transporting or metering.

## **5.2 ALASKA DEPARTMENTS OF NATURAL RESOURCES, ADMINISTRATION, AND ENVIRONMENTAL CONSERVATION**

In Alaska, OPS inspects, regulates, and enforces interstate and intrastate gas and liquid pipeline safety requirements, however, Alaska is not a PHMSA state partner. Three different departments have a role in regulating gathering lines in Alaska.

- Department of Natural Resources, Division of Oil and Gas
- Department of Administration, Oil and Gas Conservation Commission
- Department of Environmental Conservation

The Department of Natural Resources, Division of Oil and Gas is responsible for the leasing of state lands for oil, gas, and geothermal exploration.

The Department of Administration, Oil and Gas Conservation Commission is responsible for protecting the public interest in exploration and development of Alaska's oil and gas resources. It also acts to prohibit the physical waste of crude oil, ensure a greater resource recovery, and protect the rights of persons owning oil and gas interests in State lands. This commission administers the underground injection control program and oversees metering operations to determine the quality and quantity of product produced. It also reviews drilling plans of operation to ensure: proper well design, well control equipment, well logging programs, production practices, and plugging and abandonment procedures. They verify that operations are conducted in accordance with state statutes, regulations and approved procedures.

The Department of Environmental Conservation currently regulates crude oil transmission pipelines. Regulations adopted by this department state that:

*Unless the owner or operator must comply with a more stringent requirement set out in this section, the owner or operator shall ensure that facility oil piping placed in service after December 30, 2008 is designed and constructed in accordance with one of the following standards, as appropriate:*

- (1) *American Society of Mechanical Engineers, Process Piping, 2005 Edition (ASME B31.3-2004), adopted by reference;*

- (2) *American Society of Mechanical Engineers, Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids, 2002 Edition (ASME B31.4-2002), adopted by reference;*
- (3) *American Society of Mechanical Engineers, Gas Transmission and Distribution Piping Systems, 2003 Edition (ASME B31.8-2003), adopted by reference;*
- (4) *another equivalent standard approved by the department.*

Requirements in ASME *Gas Transmission and Distribution Piping Systems*, ASME B31.8 [20] cover the design, fabrication, installation, inspection, and testing of pipeline facilities used for the transportation of gas. They also cover safety aspects of the operation and maintenance of those facilities. Rules for process piping in ASME *Process Piping*, ASME B31.3 [21] and ASME *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, ASME B31.4 [22] were developed considering piping typically found in petroleum refineries; chemical, pharmaceutical, textile, paper, semiconductor, and cryogenic plants; and related processing plants and terminals. The code for liquid pipeline systems prescribes requirements for the design, materials, construction, assembly, inspection, and testing of piping transporting liquids such as crude oil, condensate, natural gasoline, natural gas liquids, liquefied petroleum gas, carbon dioxide, liquid alcohol, liquid anhydrous ammonia, and liquid petroleum products between producers' lease facilities, tank farms, natural gas processing plants, refineries, stations, ammonia plants, terminals (marine, rail, and truck), and other delivery and receiving points.

The Department of Environmental Conservation regulations also state that the owner or operator must maintain metallic facility oil piping containing oil in accordance with a corrosion control program and that cathodic protection systems installed on facility oil piping are consistent with NACE International's *Standard Recommended Practice: Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE RP0169-2002. In addition, the Department of Environmental Conservation requires examination of damaged coatings or corroded piping, and maintenance and inspection of all oil piping in accordance with applicable requirements in *API Piping Inspection Code: Inspection, Repair, Alteration, and Rerating of In-service Piping Systems*, API 570.

### **5.3 KENTUCKY ENERGY AND ENVIRONMENT CABINET, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF OIL AND GAS**

The mission of the Division of Oil and Gas is to regulate the crude oil and natural gas industry in the Commonwealth; protect the correlative rights of mineral owners, fresh water zones, and minable coal seams; and conserve and protect oil and gas reserves in Kentucky.

The following rules in Kentucky could extend beyond federal pipeline safety standards.

1. Operators shall bury a gathering line or portion that crosses agricultural land or that would otherwise interfere with the use of a preexisting private roadway if contacted by landowner prior to installation to protect the gathering line from damage.



2. Gathering lines constructed of plastic pipe shall be installed below ground level. However, there are exemptions which include: operators taking efforts to minimize shear and tensile stresses; and installing a trace line, location device, or suitable conductive wire to facilitate detection.
  - a. Plastic pipe lines may be temporarily installed above ground if: the above ground exposure does not exceed the manufacturer's recommended period or two years, whichever is less; the pipe either is located so as to minimize the possibility of damage by external forces or is otherwise protected against damage; the pipe adequately resists exposure to ultraviolet light and high and low temperature; and the pipe is being used during a production test period not to exceed ninety (90) days.
3. A gathering line crossing a road shall be buried in accordance with the requirements of the agency having jurisdiction over the road.
4. The operator shall install and maintain line markers over an active buried gathering line.
5. Before placing a gathering line in operation, it shall be tested to ensure that it is capable of maintaining 110 percent of the maximum anticipated operating pressure. In conducting the test, the operator shall ensure that reasonable precautions are taken to protect his employees and the general public. The testing may be conducted using natural gas, compressed air, inert gas or water. Production flow lines operating at less than fifteen (15) psig are exempt from pressure testing requirements.
6. All gathering lines shall be maintained in good operating condition at all times and the operator shall take reasonable precautions to prevent failures, leakage and corrosion by performing the following procedures:
  - a. Perform on-site inspections of a permitted gathering line at least once each calendar year, at intervals not to exceed eighteen (18) months. If an operator discovers any condition that could adversely affect the safe and proper operation of a gathering line, the operator shall correct it within a reasonable time and in accordance with KRS 353.160. However, if the condition presents an immediate hazard to persons or property, the operator shall not operate the affected part of the system until the unsafe condition has been corrected.
  - b. In repairing the gathering line, the operator shall take appropriate action to conduct the repair in a safe manner so as to prevent injury to persons and damage to property.
  - c. Maintain records of gathering line inspections and leak repair for division inspection, if requested, for at least three (3) years.
7. The as-built location of the gathering line shall be depicted with GPS data points spaced every 500 feet, if practical, at points where the gathering line changes direction and at the beginning and termination points of the gathering line. All information regarding the as-built location shall be submitted to the division [of Oil and Gas] within twelve months of completion of the gathering line.
8. All wellhead and field compressors shall be installed and maintained according to the following requirements:
  - a. The operator shall maintain a positive suction pressure at all times.

- b. The operator shall install safety devices to ensure the downstream pressure does not exceed the test pressure of the gathering line.
- c. The operator shall record a GPS location of all compressor station sites and submit that location data to the division.

#### **5.4 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF MINERAL RESOURCES**

The New York State Department of Environmental Conservation, Division of Mineral Resources administers regulations and a permitting program to mitigate to the greatest extent possible any potential environmental impact of drilling and well operation. In addition, the Division protects the correlative rights of mineral owners and ensures that oil and gas reserves are developed such that a greater ultimate recovery can be achieved. This is accomplished through well spacing and compulsory integration.

The New York State Department of Environmental Conservation has regulatory control of gathering lines (less than 125 psig) which cross environmentally sensitive areas such as wetlands and protected streams. However, low pressure transmission lines (lines with pressure of 124 psig or less) are currently not systematically regulated, inspected, or mapped.

The Public Service Commission has no jurisdiction over the oil gathering lines in New York State because none of them are high pressure (greater than 200 psig) or could be considered transport lines (going off the lease to distribution centers). Most of the oil in New York State is trucked or piped from stock tanks on the lease or central storage tanks to the refinery. The New York State Department of Environmental Conservation has safety and environmental jurisdiction of the oil gathering lines which transport the oil from individual wells to the production storage tanks located on or in close proximity to the lease.

#### **5.5 RAILROAD COMMISSION OF TEXAS, OIL AND GAS DIVISION**

The Railroad Commission, through its Oil and Gas Division, regulates the exploration, production, and transportation of oil and natural gas in Texas. Its statutory role is to (1) prevent waste of the state's natural resources, (2) to protect the correlative rights of different interest owners, (3) to prevent pollution, and (4) to provide safety in matters such as hydrogen sulfide. The Commission also regulates oil field injection and disposal wells under a federally-approved program, including permitting, annual reports, and tests. Through this program, fluids are injected into either productive reservoirs under enhanced recovery projects to increase production or into non-productive reservoirs for disposal. In other pollution prevention activities, waste management is carried out by permitting pits and land farming, discharges, waste haulers, waste minimization, and hazardous waste management. The Oil and Gas Division does not regulate gathering line safety.

The following rules in Texas could extend beyond federal pipeline safety standards.

1. No pipeline or gathering system, whether a common carrier or not, shall be used to transport oil, gas, or geothermal resources from any tract of land within this state without a permit from the commission.
2. No pipeline or other carrier shall be connected with any well subject to the jurisdiction of the Commission until the operator of the well provides the pipeline or other carrier with a certificate from the Commission that the rules in this title have been complied with. [This rule] shall not prevent a temporary connection with any well in order to take care of production and prevent waste until the operator has a reasonable time, not to exceed 30 days from the date of such connection, within which to obtain such certificate. For purposes of this section, the term "Commission" means the Railroad Commission of Texas, the Director of the Oil and Gas Division, or the Director's delegate.

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## **6. SUMMARY OF REGULATORY ISSUES AND REVIEW OBSERVATIONS**

This section discusses federal regulatory issues that may be a possible source of confusion and misunderstanding concerning design, construction, operation, and maintenance of natural gas and hazardous liquid gathering lines. This section also summarizes regulations adopted by state and other federal agencies that exceed federal pipeline safety standards in 49 CFR 192 [3] and 49 CFR 195 [4] for rural gathering lines. Additional information about constraints on regulating gas gathering lines in rural areas, implied prohibitions on regulating gas production, and problems with gas gathering line terminology and definitions is presented in Sect. 2.1.1.

### **6.1 REGULATORY ISSUES**

Congress initially defined the term “transportation of gas” in the *Natural Gas Pipeline Safety Act of 1968* [6] and later modified the definition in the *Pipeline Safety Act of 1992* [12]. The modification gave the Secretary of Transportation authority to regulate rural gas gathering lines intended for transportation of gas. Congress also recognized that some rural gathering lines might present unacceptable risks and authorized DOT to regulate lines whose risk warranted regulation. The *Pipeline Safety Act of 1992* also required the Secretary to define by regulation the terms “gathering line” and “regulated gathering line.”

#### **6.1.1 Terminology and Definition Issues**

The terms “gathering line,” “transmission line,” and “distribution line” are defined by PHMSA in 49 CFR 192.3. “Gathering line” means a pipeline that transports gas from a current production facility to a transmission line or main. “Transmission line” means a pipeline, other than a gathering line, that transports gas from a gathering line or storage facility to a gas distribution center or storage facility; operates at a hoop stress of 20% or more of a SMYS, or transports gas within a storage field. “Distribution line” means a pipeline other than a gathering or transmission line. Because these definitions are circular and part 192 does not define “production facility,” operators and government inspectors have had difficulty distinguishing regulated gathering lines from unregulated production facilities and unregulated gathering lines from regulated transmission and distribution lines. Also, the complexity of many gathering systems has increased the difficulty of distinguishing gathering lines.

#### **6.1.2 Regulated Gathering Line Issues**

According to requirements in 49 CFR 192.8(a), an operator must use API RP 80 [19], to determine if an onshore pipeline (or part of a connected series of pipelines) is an onshore

gathering line. The determination is subject to the limitation on the beginning of gathering which involves the term “production operation” as defined in API RP 80. After making this determination, an operator must determine if the onshore gathering line is a regulated onshore gathering line under paragraph 49 CFR 192.8(b). Although the term “production operation” is defined in 49 CFR 192.8(a)(1) by reference to API RP 80, PHMSA has not established a definition for the term “production facility” which is used in the definition of “gathering line” to mean a pipeline that transports gas from a current production facility to a transmission line or main.

In authorizing the Secretary to define the term “regulated gathering line,” Congress required the Secretary to consider composition of the transported gas in determining the types of lines which are functionally gathering but which, due to specific physical characteristics, warrant regulation [12]. Hydrogen sulfide (H<sub>2</sub>S), which is a toxic gas that is present in certain natural gas deposits, is potentially hazardous and could be a factor used by PHMSA to regulate gas gathering lines with H<sub>2</sub>S concentrations provided they exceed a specified limit.

## **6.2 FEDERAL AND STATE AGENCY GATHERING LINE REGULATIONS THAT EXCEED FEDERAL PIPELINE SAFETY STANDARDS**

With few exceptions, regulations covering design, construction, operations, and maintenance of gathering lines do not exist in other state or federal regulatory agencies beyond the federal pipeline safety standards promulgated by PHMSA in 49 CFR 192 [3] and 49 CFR 195 [4]. Most of the regulations that exceed federal pipeline safety standards are written as performance-based standards with limited or no authorized acceptance criteria rather than prescriptive requirements with clearly defined acceptance criteria making direct comparison difficult or impossible. A summary of the performance-based standards and prescriptive requirements adopted by specific state and other federal agencies that could be more stringent than federal pipeline safety standards follows.

### **6.2.1 State Partner Agencies**

A review of laws and regulations administered by PHMSA state partner agencies was conducted to determine the existence of regulatory requirements for the design, construction, operation, and maintenance of hazardous liquid or natural gas gathering lines. The scope of the review was limited to state partner agencies in the 29 states with oil and gas production listed in Table 3.1. An assessment of the review results determined that the PHMSA state partner agencies in Alabama, Arkansas, California, Colorado, Kentucky, Mississippi, New York, Ohio, Oklahoma, and Tennessee administer safety requirements for gathering lines that extend beyond or could exceed federal pipeline safety standards.

Alabama regulations state that all intrastate gathering lines, located in a rural location, must be designed, installed, constructed, and maintained in accordance with generally accepted industry

standards. However, the specific industry standards that are considered acceptable for satisfying this performance-based requirement are not identified. Alabama regulations also state that all equipment and materials that will be exposed, or can reasonably be expected to be exposed to H<sub>2</sub>S, must be designed and maintained to resist damage caused by H<sub>2</sub>S stress cracking, embrittlement, or corrosion and that the design must be in accordance with applicable NACE standards. In addition, when required, operators must determine the H<sub>2</sub>S concentration in the gaseous mixture in an operation or system using a test conducted in accordance with standards as set by ASTM Standard D-2385-66, or GPA Plant Operation Test Manual C-1, GPA Publication 2265-68, as revised, or other methods approved by the State Oil and Gas Supervisor. Alabama regulations further state that all gathering lines and right of ways must be maintained and operated in safe manner and in accordance with this rule.

Arkansas adopted the following performance-based construction requirements for all pipelines containing 100 ppm or greater H<sub>2</sub>S: (1) materials must be chemically compatible with any natural gas transported by the pipeline and such pipeline shall maintain structural integrity under the anticipated temperatures and environmental conditions for which the pipeline may be exposed; (2) piping must be of sufficient thickness or must be installed with adequate protection to withstand anticipated external pressures and loads that will be imposed on the pipe after installation; (3) no pipeline may be operated after new construction, repair or relocation until it has been successfully tested for at least one hour with a minimum pressure of 1.25 times the maximum operating pressure to substantiate the maximum operating pressure with all leaks located and eliminated; and (4) all metallic pipelines must be adequately protected from both external and internal corrosion.

California regulations require newly installed pipelines to be designed, constructed, and all pipelines must be tested, operated, and maintained in accordance with good oil field practice and applicable standards, as set forth in either the API RP 1110, 3rd Ed., Dec. 1991, and API Specifications effective 1990), American Society for Testing and Materials (ASTM Designation Standard Specifications, 1991), or CFR 49 Part 192, or other methods approved by the State Oil and Gas Supervisor. The Supervisor may require design or construction modifications, and additional testing and maintenance if he or she determines that good oil field practices and applicable standards have not been used. California regulations also require a preventative maintenance plan that includes industry standards for maintenance and corrosion prevention and a requirement for periodic pipeline testing and inspection. According to the regulation, a mechanical integrity test must be performed on all active environmentally sensitive pipelines that are gathering lines, and all urban pipelines over 4 in. diameter, every two years. Pipelines less than 10 years old are exempt from the two year testing requirement. In addition, operators must visually inspect all aboveground pipelines for leaks and corrosion at least once a year.

Colorado regulations state that materials for pipe and other components of pipelines must be able to maintain the structural integrity of the pipeline under temperature, pressure, and other conditions that may be anticipated; compatible with the substances to be transported; and locatable by a tracer line or location device placed adjacent to or in the trench of all buried

nonmetallic pipelines to facilitate the location of such pipelines. In addition to these performance-based requirements, each component of a pipeline must be designed and installed to prevent failure from corrosion and to withstand anticipated operating pressures and other loadings without impairment of its serviceability, and the pipe must have sufficient wall thickness or be installed with adequate protection to withstand anticipated external pressures and loads that will be imposed on the pipe after installation.

Kentucky requires compliance with applicable design requirements in the *Gas Transmission and Distribution Piping Systems*, ASME B31.8 [20].

New York regulations state that a gathering line must be designed, constructed, tested, operated and maintained in conformance with sound engineering practices and that the pipeline must be subjected to a pressure test for two hours.

Mississippi regulations state that the operator is responsible for the installation of specified control devices on all oil and gas pipelines connected to a platform, including pipelines which are not operated or owned by the operator. In addition, all pipelines must be: (1) protected from loss of metal by corrosion that would endanger the strength and safety of the lines; (2) installed and maintained to be compatible with trawling operations and other uses; (3) hydrostatically tested to 1.25 times the design working pressure for a minimum of two hours prior to placing the line in service; (4) maintained in good operating condition at all times and inspected monthly for indication of leakage using aircraft, floating equipment or other methods; and (5) designed to be protected against water currents, storm scouring, soft bottoms and other environmental factors. Mississippi regulations also state that preventative measures must be taken to control the effects of H<sub>2</sub>S at all operations where H<sub>2</sub>S concentrations in the gas stream are equal to 100 ppm or more.

Ohio regulations include the following performance-based requirements. All pipelines and fittings must be designed for at least the greatest anticipated operating pressure or the maximum regulated relief pressure in accordance with the current recognized design practices of the industry.

Oklahoma regulations state that operators must provide safeguards to protect the general public from the harmful effects of H<sub>2</sub>S with a concentration equal to or greater than 100 ppm.

Tennessee requires compliance with applicable design requirements in the *Gas Transmission and Distribution Piping Systems*, ASME B31.8 [20].



## 6.2.2 Non-State Partner Agencies

A review of laws and regulations administered by state agencies other than PHMSA state partner entities was conducted to identify state agencies that have promulgated requirements for intrastate gathering lines. Except for Alaska, regulations that extend beyond federal pipeline safety standards are generally performance-based requirements with limited or no authorized acceptance criteria. Therefore, direct comparison with requirements in 49 CFR 192 [3] and 49 CFR 195 [4] is difficult or impossible. A brief summary of the performance-based requirements adopted by specific state agencies in Alabama, Alaska, Kentucky, New York, and Texas that could be more stringent than federal pipeline safety standards and the prescriptive standards adopted by Alaska follows.

The State Oil and Gas Board of Alabama is responsible for preventing waste and promoting the conservation of oil and gas while ensuring the protection of both the environment and the correlative rights of owners. The State Geologist serves as the State Oil and Gas Supervisor and is the secretary of the board. From a gathering line safety viewpoint, an operator must obtain approval from the Supervisor prior to construction and operation of a gathering line, and each gathering line must be constructed in accordance with the written specifications submitted to and approved by the Supervisor. In addition, all gathering lines and right of ways must be maintained and operated in safe manner and in accordance with the rules adopted by the board. Each gathering line abandoned in place must be disconnected from all sources and supplies of hydrocarbons and purged with water or inert materials. The design, construction, and operation of gathering lines transporting hydrocarbons that contain H<sub>2</sub>S concentrations equal to or greater than 100 ppm in the system must comply with the requirements as set forth in the rule for Operations Involving Hydrogen Sulfide. The Supervisor must be notified immediately of a fire, spill, leak, or blow out that occurs at or is related to the operation of any gathering line or flowline used in operations including but not limited to drilling, completing, testing, recompletion or reworking, producing, processing, storing, injecting, gathering, transporting or metering.

The Alaska Department of Environmental Conservation requires compliance with applicable design requirements in the *Gas Transmission and Distribution Piping Systems*, ASME B31.8 [20] and applicable design requirements in the *Process Piping*, ASME B31.3 [21] and the *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, ASME B31.4 [22]. Alaska regulations also require that the owner or operator must maintain metallic facility oil piping containing oil in accordance with a corrosion control program and that cathodic protection systems installed on facility oil piping are consistent with NACE International's *Standard Recommended Practice: Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, NACE RP0169\_2002. In addition, Alaska requires examination of damaged coatings or corroded piping, and maintenance and inspection of all oil piping in accordance with applicable requirements in *API Piping Inspection Code: Inspection, Repair, Alteration, and Rerating of In-service Piping Systems*, API 570.

The Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas regulates the crude oil and natural gas industry in the Commonwealth; protects the correlative rights of mineral owners, fresh water zones, and minable coal seams; and conserves and protects oil and gas reserves in Kentucky. Rules in Kentucky that could extend beyond those of PHMSA require operators to (1) bury gathering lines located in specific areas and install and maintain line markers over an active buried gathering line; (2) pressure test gathering lines to 110% of the maximum anticipated operating pressure prior to placing the line in service; (3) maintain all gathering lines in good operating condition at all times and the operator must take reasonable precautions to prevent failures, leakage, and corrosion; (4) document the as-built location of the gathering line with GPS data points spaced every 500 feet, if practical, at points where the gathering line changes direction, and at the beginning and termination points of the gathering line; and (6) install safety devices to ensure the downstream pressure does not exceed the test pressure of the gathering line.

The New York State Department of Environmental Conservation, Division of Mineral Resources administers regulations and a permitting program to mitigate to the greatest extent possible any potential environmental impact of drilling and well operation through well spacing and compulsory integration. The New York State Department of Environmental Conservation has regulatory control of gathering lines (less than 125 psig) which cross environmentally sensitive areas while low pressure transmission lines (lines with pressure of 124 psig or less) are currently not systematically regulated, inspected, or mapped.

The Railroad Commission of Texas, through its Oil and Gas Division, (1) prevents waste of the state's natural resources, (2) protects the correlative rights of different interest owners, (3) prevents pollution, and (4) provides safety in matters such as H<sub>2</sub>S. However, no pipeline or gathering system is allowed to transport oil, gas, or geothermal resources from any tract of land within this state without a permit from the Railroad Commission of Texas.

### **6.2.3 Other Federal Agencies**

An online search of seventeen federal agencies was conducted to determine their roles and responsibilities in design, construction, operation, maintenance, siting, licensing, and permitting of hazardous liquid or natural gas gathering lines. Agencies including FERC, EPA, DHS, and the BSEE have jurisdictions and responsibilities related to pipelines. Others agencies including BLM have responsibilities for lands across which pipelines are routed. Depending on the areas through which a pipeline is proposed, there are a variety of permitting processes that may apply, some of which are only tangentially related to pipeline safety, and yet could be relevant to the consequences of an incident.

An assessment of the review results determined that OPS has memorandums of understanding with certain federal agencies to create a clear understanding of each party's purpose and of their commitments. A discussion of the specific roles and responsibilities for the federal agencies with regulations that affect gathering lines follows.

Federal statutes give FERC a role in regulating the transmission and sale of natural gas and the transportation of oil by pipeline, and in approving the siting and abandonment of interstate natural gas pipelines and storage facilities. Although PHMSA regulations cover some aspects of construction and design, the Commission regulations also play a role in construction, and are intended to reduce environmental damage from construction and repair of interstate natural gas pipelines. These include sets of regulations for construction (and replacement/repair projects) in wetlands, water bodies, and upland areas. The Commission also has enforcement authority for violations of these regulations. Under section 7 of the Natural Gas Act of 1938, the Commission reviews applications for the construction and operation of natural gas pipelines. In its application review, the Commission ensures that the applicant has certified that it will comply with DOT safety standards. Although the Commission has no jurisdiction over pipeline safety or security, it actively works with other agencies with safety and security responsibilities.

The responsibilities of EPA relevant to the pipeline permitting process include commenting on environmental impact statements and issuing or reviewing authorized States' issuance of National Pollutant Discharge Elimination System permits for point source discharges of storm water from construction activities that disturb areas in excess of one acre. In addition, EPA is the lead federal response agency for oil spills occurring in inland waters.

The [U.S. Coast Guard](#) within the DHS regulates facilities that are capable of transferring oil or hazardous materials in bulk to or from a vessel. A memorandum of understanding with PHMSA clearly defines which pipelines each organization regulates. The U.S. Coast Guard is the lead federal response agency for spills in coastal waters and deepwater ports. In addition, the U.S. Coast Guard issues approvals of work associated with construction and maintenance of bridges at aerial pipeline crossings over navigable waters and other activities that may impact navigation, and regulates marine navigation generally, and may declare as hazards to navigation exposed pipeline segments or other subsurface obstructions.

The BSEE is an agency within the U.S. Department of the Interior that is responsible for safety and environmental oversight of offshore oil and gas operations, including permitting and inspections of offshore oil and gas operations. Its functions include the development and enforcement of safety and environmental regulations; permitting offshore exploration, development, and production; inspections; offshore regulatory programs; oil spill response; and newly formed training and environmental compliance programs. There are clear differences between pipelines that are regulated by PHMSA and those regulated by the BSEE with no jurisdictional overlap.

The BLM, within the U.S. Department of the Interior, has jurisdiction over onshore leasing, exploration, development, and production of oil and gas on federal lands. In addition, it approves and supervises most oil and gas operations on American Indian lands and issues right-of-way grants and permits authorizing the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined products produced there from, by pipelines using federal lands. The BLM is also authorized to issue right-of-way grants and permits for oil and gas pipelines through all lands owned by the United States, except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf.



## 7. REFERENCES

- [1.] *Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011*, Pub. L 112-90, Sect. 4, 125 Stat. 1904, January 3, 2012.
- [2.] Pipeline and Hazardous Material Safety Administration, Gathering Pipelines: Frequently Asked Questions:  
<http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.ebdc7a8a7e39f2e55cf2031050248a0c/?vgnextoid=4351fd1a874c6310VgnVCM1000001ecb7898RCRD&vgnnextchannel=f7280665b91ac010VgnVCM1000008049a8c0RCRD&vgnnextfmt=print>.
- [3.] “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” *Code of Federal Regulations* Title 49, Part 192, U.S. Department of Transportation, 2011.
- [4.] “Transportation of Hazardous Liquids by Pipeline,” *Code of Federal Regulations* Title 49, Part 195, U.S. Department of Transportation, 2011.
- [5.] *Department of Transportation Act*, Pub. L 89-670, 80 Stat 931, October 15, 1966.
- [6.] *Natural Gas Pipeline Safety Act of 1968*, Pub. L 90-481, 82 Stat 720, August 12, 1968.
- [7.] *Natural Gas Pipeline Safety Act Amendments of 1976*, Pub. L 94-477, 90 Stat 2073, October 11, 1976.
- [8.] *Hazardous Liquid Pipeline Safety Act of 1979*, Pub. L 96-129, 93 Stat 989, November 30, 1979.
- [9.] An Act to amend the *Natural Gas Pipeline Safety Act of 1968* and the *Hazardous Liquid Pipeline Safety Act of 1979*, Pub. L 99-516, 100 Stat 2965, October 22, 1986.
- [10.] *Pipeline Safety Reauthorization Act of 1988*, Pub. L 100-561, 102 Stat 2805, October 31, 1988.
- [11.] An Act to improve navigational safety and to reduce the hazards to navigation resulting from vessel collisions with pipelines in the marine environment, Pub. L 101-599, 104 Stat 3038, November 16, 1990.
- [12.] *Pipeline Safety Act of 1992*, Pub. L 102-508, 106 Stat 3289, October 24, 1992.
- [13.] *Accountable Pipeline Safety and Partnership Act of 1996*, Pub. L 104-304, 110 Stat. 3793, October 12, 1996.
- [14.] *Pipeline Safety Improvement Act of 2002*, Pub. L 107-355, 116 Stat 2985, December 17, 2002.
- [15.] *Norman Y. Mineta Research and Special Programs Improvement Act*, Pub. L 108-426, 118 Stat 2423, November 30, 2004.
- [16.] *Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006*, Pub. L 109-468, 120 Stat 3486, December 29, 2006.

- [17.] U.S. Code, Title 49 – Transportation, Subtitle VIII – Pipelines.
- [18.] *Gas Gathering Line Definition; Alternative Definition for Onshore Lines and New Safety Standards*, Vol. 71, No. 50, *Federal Register*, March 15, 2006, p13289 – 13290.
- [19.] *Guidance for the Definition of Onshore Gas Gathering Lines*, API Recommended Practice 80, First Edition, American Petroleum Institute, Washington, D.C., April 2000, Reaffirmed, March 1, 2007.
- [20.] *Gas Transmission and Distribution Piping Systems*, ASME B31.8 American Society of Mechanical Engineers, New York.
- [21.] *Process Piping*, ASME B31.3 American Society of Mechanical Engineers, New York.
- [22.] *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, ASME B31.4 American Society of Mechanical Engineers, New York.

**APPENDIX A. STATE GATHERING LINE RULES AND REGULATIONS**

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## **APPENDIX A. STATE GATHERING LINE RULES AND REGULATIONS**

Gathering lines are an integral part of oil and gas production and processing operations. Depending on their physical locations, functional requirements, and design features, some gathering lines are regulated by PHMSA and its State partner agencies while others are unregulated. Certain State and Federal entities, besides PHMSA and its State partner agencies, have promulgated regulations related to gathering lines.

This appendix discusses the results of an online search for rules and regulations for the state agencies identified in Tables 3.1 and 5.1. The following information categories were used to organize and tabulate the search results on a state-by-state basis.

- State
- State Agency
- Regulation in Place
- Summary
- Enforcement Authority Yes/No
- Enforcement Authority Active/Passive
- Link

Alabama and Kentucky have adopted the most comprehensive regulations for gathering line safety compared to the other state oil and gas programs considered in this study. Alaska, which is not a PHMSA state partner, relies on standards published by ASME, NACE, and API for ensuring pipeline safety.

### **A.1 ALABAMA**

The Alabama Public Service Commission is certified by OPS to regulate, inspect, and enforce intrastate gas and hazardous liquid pipelines including gathering lines within the scope of Federal pipeline safety regulations. The State Oil and Gas Board of Alabama is a regulatory agency of the State of Alabama with the statutory charge of preventing waste and promoting the conservation of oil and gas while ensuring the protection of both the environment and the correlative rights of owners. The Board is granted broad authority in Alabama oil and gas conservation statutes to promulgate and enforce rules and regulations to ensure the conservation and proper development of Alabama's petroleum resources. Under this authority, the Rules and Regulations of The State Oil and Gas Board of Alabama Governing Onshore Lands Operations

state that all intrastate gathering lines, located in a rural location, must be designed, installed, constructed, and maintained in accordance with generally accepted industry standards, and constructed in accordance with written specifications. The rules include additional requirements that apply to operations involving hydrogen sulfide. Tables A.1A and A.1B present additional information about regulation and enforcement of gathering lines in the state of Alabama.

Table A.1A – State Oil & Gas Board of Alabama

<b>State Oil &amp; Gas Board of Alabama</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Geological Survey of Alabama, State Oil &amp; Gas Board of Alabama</b></p> <p>The State Oil and Gas Board of Alabama is a regulatory agency of the State of Alabama with the statutory charge of preventing waste and promoting the conservation of oil and gas while ensuring the protection of both the environment and the correlative rights of owners. The Board is granted broad authority in Alabama oil and gas conservation statutes to promulgate and enforce rules and regulations to ensure the conservation and proper development of Alabama's petroleum resources. The State Geologist serves as the State Oil and Gas Supervisor. The oil and gas regulatory program involves:</p> <ul style="list-style-type: none"> <li>• Conducting field inspections of oil and gas wells and facilities for compliance with oil and gas laws, rules, regulations, and orders and directives issued by the Board, and prevention of adverse impacts to public health and safety and the environment.</li> <li>• Providing a fair, consistent and efficient regulatory enforcement program that promptly addresses issues of regulatory noncompliance with special emphasis on activities that potentially pose the greatest risk to safety, public health, and the environment.</li> </ul>
Regulation in Place	<b>State Oil and Gas Board of Alabama Administrative Code, November 2011</b>
Summary	<p><b>400-1. Rules and Regulations of the State Oil and Gas Board of Alabama Governing Onshore Lands Operations</b></p> <p><b>400-1-1-.05. Definitions.</b></p> <p>The words defined hereafter shall have the following meaning when used within these rules:</p> <p>(28) <b>Flowline</b> shall mean a pipeline that transports full well stream production from a well site to the production equipment where produced hydrocarbons are first separated, dehydrated, commingled with other production, or otherwise processed or to the point of custody transfer.</p> <p>(32) <b>Gathering line</b> shall mean all pipelines, equipment, facilities, or buildings downstream of production equipment and used in the transportation of</p>

**State Oil & Gas Board of Alabama**

<b>Category</b>	<b>Description</b>
	<p>hydrocarbons to a treatment or storage facility or to a transmission line.</p> <p>(69) <b>Sour flowline</b> shall mean a pipeline that transports full well stream production containing hydrogen sulfide from a well site to equipment at a production facility where produced hydrocarbons are first separated, dehydrated, commingled with other production, or otherwise processed.</p> <p>(70) <b>Sour gathering line</b> shall mean all pipelines, equipment, facilities, or buildings downstream of a production facility and used in the transportation of hydrocarbons containing hydrogen sulfide to a treatment or storage facility.</p> <p>(83) <b>Transmission line</b> shall mean a pipeline operated for the purpose of transporting gas from a gathering line, sales outlet of a gas processing plant or gas storage facility to another transmission line, gas storage facility or an end-user distribution system.</p> <p><b>400-1-2-.05. Change of Operator.</b></p> <p>(1) The operator of record shall immediately notify the Supervisor in writing of any agreement or other transaction, by which a new operator is to be designated for a well or wells, including all associated production, processing, injection, plant, and gathering line and pipeline facilities, and all other equipment associated with such well or wells. Such notification shall include, but not be limited to, identification of the proposed new operator and a list of wells and all associated facilities and equipment.</p> <p>(2) Within sixty (60) days of the effective date of any agreement or other transaction causing a change of operator, any person or persons desiring to become the new operator of a well or wells must submit for approval to the Supervisor Form OGB-1E, Application for Change of Operator. A single Application for Change of Operator, Form OGB-1E, may be filed requesting a change of operator for multiple wells, facilities, and equipment. Form OGB-1E shall be signed by both the operator of record or present operator and the proposed new operator, with both parties applying to change the operator for the well or wells, including all associated production, processing, injection, plant, and gathering line and pipeline facilities, and all other equipment associated with such well or wells.</p> <p><b>400-1-3-.02. Notification of Activities.</b></p> <p>(1) <b>Notification Prior to Performance of Activity.</b> An operator shall notify</p>

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<b>Category</b>	<b>Description</b>
	<p>the Supervisor prior to performing any of the following activities:</p> <ul style="list-style-type: none"> <li>(k) Initiating a gathering line construction operation, see Rule 400-1-8-.03(5)(a).</li> </ul> <p><b>(3) Notification Subsequent to Occurrence of Activity.</b> An operator shall notify the Supervisor when the following occurs:</p> <ul style="list-style-type: none"> <li>(d) Repairing or replacing damaged gathering lines, see Rule 400-1-8-.03(5)(a);</li> </ul> <p><b>400-1-3-.03. Approval of Activities.</b></p> <p>(1) An operator shall obtain approval of the Supervisor for:</p> <ul style="list-style-type: none"> <li>(w) Construction and operation of gathering lines, see Rule 400-1-8-.03(2);</li> <li>(x) Modifications to gathering lines, see Rule 400-1-8-.03(2)(b)4;</li> <li>(bb) Construction and maintenance of sour flowlines and sour gathering lines, see Rule 400-1-9-.02(11)(a);</li> <li>(cc) Modifications to sour flowlines and sour gathering lines, see Rule 400-1-9-.02(11)(b)1;</li> <li>(dd) Repairing or replacing damaged sour flowlines or sour gathering lines, see Rule 400-1-9-.02(11)(b)2;</li> </ul> <p><b>400-1-8-.03. Gathering Lines.</b></p> <p><b>(1) Applicability.</b></p> <ul style="list-style-type: none"> <li>(a) All intrastate gathering lines, located in a rural location, must be designed, installed, constructed, and maintained in accordance with generally accepted industry standards.</li> <li>(b) Any modification, replacement, relocation, or other change in an intrastate gathering line, located in a rural location shall be made in accordance with generally accepted industry standards. Repairs that do not alter the accuracy of the information previously submitted and approved under section (2) are not subject to this part.</li> <li>(c) Flowlines and transmission lines, as defined in Rule 400-1-1-.05,</li> </ul>

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<b>Category</b>	<b>Description</b>
	<p>relating to Definitions, shall not be subject to this rule.</p> <p>(2) <b>Approval Procedures.</b> Prior to the construction and operation of a gathering line, approval must be obtained from the Supervisor. Application for permission to construct and operate a gathering line shall be considered as a two-step process. An operator seeking the Supervisor’s approval for the construction and operation of a gathering line shall submit the following:</p> <p>(a) <b>Step 1.</b> Prior to installing any gathering line, the operator shall submit to the Supervisor information pertaining to the design of the line including the following when applicable:</p> <ol style="list-style-type: none"> <li>1. Location, route and length of line;</li> <li>2. Line pipe specifications to include size, weight, grade, wall thickness, and coating;</li> <li>3. Maximum allowable operating pressure of pipeline and calculations used in its determination;</li> <li>4. Maximum throughput capacity of pipeline at design conditions;</li> <li>5. Generalized construction drawings;</li> <li>6. Types of corrosion protection;</li> <li>7. Burial depths of line;</li> <li>8. Pressure test procedures to which the line will be tested prior to operation;</li> <li>9. Location and type of safety and pollution control equipment;</li> <li>10. Line marking method and procedures; and</li> <li>11. Additional information when required by the Supervisor.</li> </ol> <p>(b) <b>Step 2.</b> Prior to initiating operation of said gathering line, the operator shall submit to the Supervisor for approval the following information:</p> <ol style="list-style-type: none"> <li>1. Method, documentation, and results of pressure test;</li> <li>2. Frequency, method of inspection, documentation, and record maintenance of a pipeline inspection program;</li> <li>3. The following certification signed and dated with the title of the company representative: “(Operator) certifies that the</li> </ol>

**State Oil & Gas Board of Alabama**

<b>Category</b>	<b>Description</b>
	<p>(Gathering Line) has been designed and installed in accordance with accepted industry standards and procedures and that future modifications will be performed by qualified personnel.”;</p> <p>4. Any modification to a gathering line shall be submitted to and approved by the Supervisor prior to making such modification. Such operations may include, but not be limited to, the addition of a source or incoming side stream, increasing the pressure or capacity, or any modification that will alter the accuracy of the information previously submitted. Prior to placing the line back into service, the operator shall recertify the gathering line;</p> <p>5. Additional information when required by the Supervisor.</p> <p>(3) <b>Construction.</b> Each gathering line must be constructed in accordance with the written specifications submitted to and approved by the Supervisor as defined in section (2).</p> <p>(4) <b>Compressor Stations.</b> A location map and generalized process and flow diagrams of each compressor station, including working pressure ranges, safety equipment, and ancillary equipment shall be submitted to the Supervisor prior to the installation of the facility.</p> <p>(5) <b>Maintenance and Abandonment.</b></p> <p>(a) All gathering lines and right of ways shall be maintained and operated in safe manner and in accordance with this rule.</p> <p>(b) Each gathering line abandoned in place must be disconnected from all sources and supplies of hydrocarbons and purged with water or inert materials.</p> <p>(c) Plans to abandon sour gas gathering lines in place shall be submitted to the Supervisor for approval.</p> <p>(6) <b>Notice of Activities.</b></p> <p>(a) The operator shall provide at least twenty-four-(24) hour notice to the Supervisor prior to initiation of any gathering line construction operation. The Supervisor may send a duly authorized representative to the location to witness the joining of pipe, covering of pipe, and the pressure testing of the gathering line.</p> <p>(b) Remedial action to repair or replace damaged gathering lines may be performed as needed. The Supervisor should be notified as soon</p>

**State Oil & Gas Board of Alabama**

Category	Description
	<p style="text-align: center;">as possible.</p> <p>(7) <b>Additional Requirements.</b> In addition to this rule, the design, construction, and operation of gathering lines transporting hydrocarbons that contain hydrogen sulfide concentrations equal to or greater than one hundred (100) parts per million (ppm) in the system must comply with the requirements as set forth in Rule 400-1-9-.02, relating to Operations Involving Hydrogen Sulfide.</p> <p>(8) <b>Exemptions.</b> The following operations are exempted from submitting the information listed in section (2):</p> <p style="padding-left: 40px;">(a) Any gathering line classified as an interstate line or a line that is under the jurisdiction of the Alabama Public Service Commission.</p> <p style="padding-left: 40px;">(b) Other operations may be granted exemptions by the Supervisor upon written request and justification by the operator.</p> <p>(9) <b>Variations.</b> Upon written request, variations may be granted by the Supervisor upon showing a good cause by the operator.</p> <p style="padding-left: 40px;">(a) The Supervisor may waive the requirements for submitting the information contained in Step 1, if the operator has prefiled said information as standard company policy.</p> <p style="padding-left: 40px;">(b) The Supervisor may waive the requirements for submitting the information contained in Step 1 and Step 2, except pressure test results, for unitized operations, provided the operator has prefiled said information as standard company policy.</p> <p><b>400-1-9-.01. Notification of Fire, Spill, Leak, or Blow Out.</b></p> <p>(1) The Supervisor shall be notified immediately of a fire, spill, leak, or blow out that occurs at or is related to the operation of any well, production, processing, storage, Class II injection facility, underground storage facility, plant, or gathering line or flowline, used in operations including but not limited to drilling, completing, testing, recompletion or reworking, producing, processing, storing, injecting, gathering, transporting or metering.</p> <p>(2) Such notification shall include information pertaining to a description of the incident; location by County, section, township, and range; extent of damage to life and environment; and corrective action taken.</p> <p>(3) If deemed necessary by the agent of the Board, Form OGB-27,</p>



**State Oil & Gas Board of Alabama**

<b>Category</b>	<b>Description</b>
	<p>Notification of Fire, Spill, Leak or Blow Out Incident Report, shall be submitted to the Board within ten (10) days of the incident; however, when a spill or leak leaves the location Form OGB-27, Notification of Fire, Spill, Leak or Blow Out Incident Report, shall be submitted to the Board within ten (10) days.</p> <p>(4) The operator shall immediately take the appropriate action to clean up spills, repair leaks, extinguish fires, and bring blow outs under control. Additionally, the operator shall notify other appropriate governmental agencies of the incident.</p> <p><b>400-1-9-.02. Operations Involving Hydrogen Sulfide.</b></p> <p>This rule shall apply to all operations that encounter or could reasonably expect to encounter oil or gas containing hydrogen sulfide. Preventative measures shall be taken to control the effects of hydrogen sulfide (H<sub>2</sub>S) at all operations where hydrogen sulfide concentrations in the system are equal to one hundred (100) parts per million (ppm) or more. Such operations shall include, but may not be limited to drilling, completion, recompletion or reworking, testing, producing, gathering, metering, cleansing, processing, storing, transporting, and injecting.</p> <p><b>(1) Operator Responsibility.</b></p> <p>(a) Each operator shall conduct operations in accordance with section (2) through (7), and (10) and (11) below. Section (8) requires each operator to file a Certificate of Compliance for each operation that encounters or could reasonably be expected to encounter oil or gas containing hydrogen sulfide.</p> <p>(b) Any person or persons submitting an application for a change of operator pursuant to Rule 400-1-2-.05 for an existing sour gas well, plant, or gathering line shall comply with the requirements of this rule.</p> <p>(c) Exemptions to section (2) through (7) may be obtained by filing a Certificate of Compliance with the Supervisor as directed under section (9) below.</p> <p>(d) Variances to or waivers from the specifications of this rule may be granted by the Supervisor upon showing a good cause by the operator.</p> <p><b>(2) Safety Program.</b> A safety program shall be established and</p>

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<b>Category</b>	<b>Description</b>
	<p>maintained to promote safety procedures. All personnel that are assigned, contracted, or employed shall be instructed as to hazards of hydrogen sulfide, including physiological responses and the application of first aid to victims of hydrogen sulfide exposure.</p> <p>(3) <b>Equipment and Materials.</b> All equipment and materials that will be exposed, or can reasonably be expected to be exposed to hydrogen sulfide, shall be designed and maintained to resist damage caused by hydrogen sulfide stress cracking, embrittlement, or corrosion. The design shall be in accordance with applicable National Association of Corrosion Engineers (NACE) Standards.</p> <p>(4) <b>Warning Systems.</b></p> <p>(a) <b>Warning Signs and Security.</b></p> <ol style="list-style-type: none"> <li>1. For aboveground and fixed surface facilities the operator shall post, where permitted by law, clearly visible warning signs on public streets or roads inside the radius of exposure.</li> <li>2. In populated areas such as towns and cities where the use of signs is not considered to be acceptable, an alternate warning plan may be approved upon written request to the Supervisor.</li> <li>3. Unless otherwise approved by the Supervisor, unattended surface facilities shall be fenced and locked as a deterrent to public access when the radius of exposure is greater than fifty (50) feet and includes a public area or when the radius of exposure is equal to or greater than one-half (1/2) mile.</li> <li>4. Unless otherwise approved by the Supervisor, unattended surface facilities shall have access to the site limited by a locked gate when the radius of exposure is greater than fifty (50) feet and does not include a public area.</li> </ol> <p>(b) <b>Monitors and Alarms.</b></p> <ol style="list-style-type: none"> <li>1. Unless otherwise approved by the Supervisor, each drilling, workover, testing, production or plant facility shall have a hydrogen sulfide monitoring system which activates visible alarms when the concentration of hydrogen sulfide exceeds ten (10) parts per million (ppm) in air and audible alarms when the concentration of hydrogen sulfide exceeds twenty (20) ppm in air. This system shall be capable of sensing a minimum of five (5) ppm in air.</li> </ol>

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<b>Category</b>	<b>Description</b>
	<p>(i) As a minimum, hydrogen sulfide sensors for onshore drilling and workover rigs shall be located at the rig floor, bell nipple, shale shaker, and mud pits.</p> <p>(ii) For drilling operations, this monitor and alarm system shall be on site and operational prior to penetrating the hydrogen sulfide bearing zone in accordance with the time specified in the contingency plan. Said equipment shall be on site and operational prior to commencing all other operations involving hydrogen sulfide.</p> <p>2. The operator of each production well or plant facility shall install and maintain a monitor and alarm system at the well or plant site designed to detect the continuing escape of hydrogen sulfide.</p> <p>3. The operator of each unplugged inactive well shall establish safety procedures, as approved by the Supervisor, which are designed to prevent the undetected continuing escape of hydrogen sulfide.</p> <p>4. The operator of each production well, injection well, processing facility, or plant facility shall install and maintain in operable condition safety devices to include automatic shutdown devices designed to prevent the undetected continuing escape of hydrogen sulfide. Safety devices shall be maintained within industry standards.</p> <p>(c) <b>Wind Direction Equipment.</b> Wind direction equipment shall be installed at prominent locations on or near the drilling, workover, test, or plant facility to indicate the wind direction at all times and the safe upwind areas in the event hydrogen sulfide becomes present in the atmosphere.</p> <p>(d) <b>Danger Signals.</b> Danger signals consisting of signs and flags shall be displayed in a manner visible to all traffic approaching the facility. All signals shall be illuminated under conditions of limited visibility when in use. If illumination is not feasible, signals must be constructed of reflective material or covered with reflective paint so they will be readily visible from other light sources such as automobiles. Danger signals shall be displayed to indicate the following operational conditions and requirements:</p> <p>1. The color green shall indicate possible danger, when the concentration of hydrogen sulfide is less than ten (10) parts per million (ppm) in air;</p>

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	<p>2. The color yellow shall indicate moderate danger, when the concentration of hydrogen sulfide reaches ten (10) ppm in air. If the concentration of hydrogen sulfide reaches twenty (20) ppm in air, breathing apparatuses shall be worn by all personnel and all non-essential personnel shall proceed to the safe briefing areas;</p> <p>3. The color red shall indicate extreme danger, when the concentration of hydrogen sulfide reaches fifty (50) ppm in air. All non-essential personnel shall be evacuated, immediate notification shall be given to local civil authorities, and traffic in the immediate vicinity of the facility shall be diverted. The State Oil and Gas Board and other appropriate governmental agencies shall be notified as soon as possible when conditions of extreme danger exist.</p> <p><b>(5) Training Requirements.</b></p> <p>(a) Each operator whose operations are subject to this rule shall provide training of personnel responsible for his operations. An attendance list of these training sessions shall be maintained by the operator.</p> <p>(b) The training of personnel shall include the following elements:</p> <ol style="list-style-type: none"><li>1. Safety precautions;</li><li>2. Operation of safety equipment and life support systems;</li><li>3. Corrective action and shutdown procedures;</li><li>4. Effect on metal components of the system.</li></ol> <p><b>(6) Personnel Safety Equipment.</b></p> <p>(a) Breathing apparatuses shall be provided and be readily accessible. A minimum requirement shall be to provide self-contained breathing equipment for all personnel that could be exposed to hydrogen sulfide concentrations in excess of ten (10) parts per million (ppm) in air.</p> <p>(b) A system of breathing air manifolds, hoses, and masks shall be provided on the rig floor for all drilling or workover operations or when hydrogen sulfide concentrations reach twenty (20) parts per million (ppm) in the air in all other operations. A rechargeable cascade air bottle system shall be provided to refill individual bottles of breathing air. Additional equipment such as a first aid kit,</p>

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	<p>ear plugs, spectacle kits, portable hydrogen sulfide detectors, retrieval ropes and harnesses, chalk boards, note pads, bull horns, flashing lights, resuscitators, and a litter shall also be available.</p> <p>(c) For drilling operations, the equipment specified in sections (6)(a) and (6)(b) shall be on site and operational prior to penetrating the hydrogen sulfide bearing zone. Said equipment shall be on site and operational prior to commencing all other operations involving hydrogen sulfide.</p> <p>(d) Explosion-proof ventilation devices shall be provided in critical work areas of the drilling, workover, test, or plant facility and be multidirectional and capable of dispersing hydrogen sulfide vapors.</p> <p>(e) If hydrogen sulfide is detected, frequent inspections of all areas of poor ventilation shall be made with a hydrogen sulfide detector instrument, and personal hydrogen sulfide detectors shall be made available to personnel.</p> <p><b>(7) Contingency Plan.</b></p> <p>(a) Operations that handle gas containing one hundred (100) parts per million (ppm) hydrogen sulfide or more in the system must formulate a contingency plan unless exempted under section (9). The contingency plan must be in place, as specified on Form OGB-24, Operator’s Certificate of Compliance for Operations involving Hydrogen Sulfide, prior to commencing the following operations:</p> <ol style="list-style-type: none"> <li>1. Penetrating the hydrogen sulfide bearing zone during drilling operations;</li> <li>2. Working over or recompleting a well in a hydrogen sulfide bearing zone;</li> <li>3. Completing a temporarily abandoned well in a hydrogen sulfide bearing zone;</li> <li>4. Testing or putting on permanent production a well that is completed in a hydrogen sulfide bearing zone;</li> <li>5. Producing hydrocarbons bearing hydrogen sulfide into a sour flowline or sour gathering line;</li> <li>6. Starting up a plant or facility that will remove hydrogen sulfide from production;</li> <li>7. Implementing any modification to an existing operation or</li> </ol>

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<b>Category</b>	<b>Description</b>
	<p>facility, which increases the radius of exposure in a public area or results in a change of the applicable requirements of this rule.</p> <p>(b) A contingency plan shall include the following items:</p> <ol style="list-style-type: none"> <li>1. A plat covering the area of exposure or an area having a radius of one (1) mile, whichever is greater. The plat shall include the location of the well, plant, or corridor showing all good roads, residences, public areas and places, areas of low elevation where hydrogen sulfide might accumulate, the direction of prevailing winds, oil and gas wells, separators, heaters, corridors of gathering or pipeline systems, pumping stations, plants, transformer stations, and other manmade structures or features that may be of importance.</li> <li>2. An index list of houses and places of business with telephone numbers and names and numbers of residents and employees as well as the identification of residents needing assistance in evacuation shall accompany the plan. This index list shall be limited to those houses and places of business located within a radius of one (1) mile or the radius of exposure, whichever is greater.</li> <li>3. Information about the safety program established in section (2), the training requirements in section (5), the personnel safety equipment required in section (6), the location of briefing areas, and responsibilities of personnel during different operational conditions;</li> <li>4. A description of the warning systems required in section (4) to include number, location, and detection limits of all monitors as well as the schedules for calibrating and testing said systems;</li> <li>5. For drilling operations, a specification of the time at which the warning systems required in section (4) and the personnel safety equipment required in section (6) will be on site and operational;</li> <li>6. Procedures to evacuate residences, businesses, and public places;</li> <li>7. Procedures to divert traffic in the immediate vicinity and to notify the local civil authorities, the State Oil and Gas Board, and other appropriate governmental agencies;</li> <li>8. Procedures to evacuate non-essential personnel from the well or facility in the event attempts to control the well or facility are unsuccessful;</li> </ol>

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<b>Category</b>	<b>Description</b>
	<p>9. A list including names, addresses, and telephone numbers of the closest hospitals, ambulance services, medical personnel, and other individuals or facilities that could assist in the event of an emergency;</p> <p>10. The name, address, and telephone number of the individual in charge of administering the plan;</p> <p>11. Any other information that the operator deems appropriate;</p> <p>12. Other information deemed necessary by the Supervisor.</p> <p>(c) The contingency plan shall be amended when any significant change in public exposure caused by public infringement of an existing radius of exposure requires such changes to be made. Otherwise, the contingency plan for each facility shall be reviewed and updated on an annual basis.</p> <p>(d) Copies of the contingency plan shall be available for inspection by the Supervisor at the location indicated on Form OGB-24, Operator’s Certificate of Compliance for Operations Involving Hydrogen Sulfide and shall be provided to local civil authorities prior to commencing any one of the operations set forth in section (7)(a) and be readily available at the drilling, workover, test, or plant facility.</p> <p><b>(8) Certificate of Compliance.</b></p> <p>(a) An Operator’s Certificate of Compliance for Operations Involving Hydrogen Sulfide, Form OGB-24, shall be filed in triplicate with the Supervisor for each facility or operation involving hydrogen sulfide subject to any requirement of this rule. A Certificate of Compliance may cover a single operation or multiple operations located within a field. The description of the type of operation indicated on Form OGB-24 must sufficiently define the facilities covered. Each operator shall maintain a current list of all operations covered by a Certificate of Compliance. Said list shall be available for inspection by the Supervisor upon request.</p> <p>(b) The Certificate of Compliance shall certify that the operator has complied, or will comply, with the applicable requirements of this rule.</p> <p>(c) For drilling operations, the Certificate of Compliance shall be filed with and approved by the Supervisor as a part of the application to</p>

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<b>Category</b>	<b>Description</b>
	<p>drill. For facilities involving other types of hydrogen sulfide operation, as set forth in section (7)(a), the Certificate shall be filed with and approved by the Supervisor prior to commencing those operations.</p> <p>(d) A new or amended Certificate of Compliance shall be required if there is a change in public exposure caused by public infringement of an existing radius of exposure resulting in a change in the applicable provisions of this rule, not described by the existing certificate. The operator shall file the new or amended certificate within thirty (30) days after an operator becomes aware of such infringement.</p> <p>(e) A new or amended Certificate of Compliance shall be required if there is a modification of an existing operation or facility which increases the radius of exposure in a public area or results in a change in the applicable provisions of this rule not described by the existing Certificate. The operator shall file the new or amended Certificate at least thirty (30) days prior to initiating the operation or construction. Approval of the Certificate must be granted by the Supervisor prior to commencing that operation or construction.</p> <p>(f) For drilling operations, the Certificate of Compliance submitted with the permit shall remain in effect through the completion, testing and well securing operations provided that the rig remains in place. If the rig is removed prior to these procedures, an amended Certificate accompanied by a schematic of the location showing the monitoring system and test equipment locations shall be submitted. The monitoring system and test equipment must be approved by the Supervisor prior to initiating test procedures.</p> <p>(g) Each facility or operation for which a Certificate of Compliance has been approved shall be recertified by the operator on an annual basis. The recertification shall be filed with the Supervisor within thirty (30) days of the anniversary date of the most recently approved Certificate of Compliance for that facility or operation. Recertification is not required for operations containing less than one hundred (100) parts per million (ppm) hydrogen sulfide.</p> <p>(9) <b>Rule Exemptions.</b> Exemptions from sections (2) through (7) may be obtained by filing the Certificate of Compliance as directed below:</p> <p>(a) Each operator must determine the hydrogen sulfide concentration in the gaseous mixture in an operation or system.</p>



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	<p>1. Tests shall be made in accordance with standards as set by American Society for Testing and Methods (ASTM) Standard D-2385-66, or Gas Processors Association (GPA) Plant Operation Test Manual C-1, GPA Publication 2265-68, as revised, or other methods approved by the Supervisor.</p> <p>2. Tests of vapor accumulation in storage tanks may be made with industry-accepted colorimetric tubes.</p> <p>(b) To obtain an exemption from this rule, the radius of exposure must be determined, except in the cases of storage tanks, using the following Pasquill-Gifford equation, or by other methods satisfactory to the Supervisor:</p> <p>For determining the radius of exposure:</p> $X = ( (1.589) (\text{mole fraction H}_2\text{S}) (Q) ) (.6258)$ <p>Where: X = radius of exposure in feet for 100 ppm H<sub>2</sub>S concentration</p> <p>Q = maximum volume determined to be available for escape in standard cubic feet per day</p> <p>H<sub>2</sub>S = mole fraction of hydrogen sulfide in the gaseous mixture available for escape (i.e. for 1% H<sub>2</sub>S (volume basis), mole fraction is 0.01)</p> <p>(c) The volume used as the escape rate in determining the radius of exposure shall be that specified below, as applicable:</p> <ol style="list-style-type: none"> <li>1. The maximum daily volume rate of gas containing hydrogen sulfide handled by that system for which the radius of exposure is calculated.</li> <li>2. For existing gas wells, the estimated maximum open flow potential shall be used.</li> <li>3. For new wells drilled in developed areas, the escape rate shall be determined by using the estimated maximum flow potential</li> </ol>

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	<p>of adjacent wells in the field.</p> <p>4. The escape rate used in determining the radius of exposure shall be corrected to standard conditions of 14.65 pounds per square inch absolute (psia) and 60°F.</p> <p>(d) For drilling of a well in an area where insufficient data exist to calculate a radius of exposure but where hydrogen sulfide may be expected, then a radius of exposure equal to one-half (1/2) mile shall be assumed. A lesser-assumed radius may be considered upon written request setting out the justification.</p> <p>(e) Storage tanks which are utilized as part of a production operation and which are operated at or near atmospheric pressure are exempt from sections (2) and (4) through (7); however, where the vapor accumulation has a hydrogen sulfide concentration in excess of five hundred (500) parts per million (ppm), the storage tanks shall be subject to the following:</p> <ol style="list-style-type: none"> <li>1. Storage tanks are exempt from sections (4), (6b, c, d, and e), and (7) only;</li> <li>2. A warning sign shall be posted on or within fifty (50) feet of the facility to alert the general public of the potential danger;</li> <li>3. Fencing, as a security measure, is required when storage tanks are located inside the limits of a town site or city or where conditions cause the storage tanks to be exposed to the public.</li> </ol> <p>(f) Operations with a radius of exposure less than fifty (50) feet are exempt from sections (2) through (7) upon filing the Certificate of Compliance.</p> <p>(g) Provided no public area is included within one-half (1/2) mile, operations with a radius of exposure greater than fifty (50) feet and less than one-half (1/2) mile are exempt from sections (4)(b) through (7) upon filing the Certificate of Compliance.</p> <p>(h) Operations with a radius of exposure that either is greater than fifty (50) feet and includes a public area or is equal to or greater than one-half (1/2) mile are not eligible for an exemption under this section.</p> <p>(10) <b>Well Testing Procedures.</b> Well testing procedures for operations involving hydrogen sulfide shall be conducted in accordance with this section.</p>

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<b>Category</b>	<b>Description</b>
	<p>(a) Well testing shall be performed with a minimum number of personnel in the immediate vicinity of the location.</p> <p>(b) During the test, the use of hydrogen sulfide detection equipment shall be intensified.</p> <p>(c) All surface units and related equipment that will handle or be exposed to produced fluids containing hydrogen sulfide shall be designed for hydrogen sulfide service.</p> <p>(d) All produced gases that are vented or flared shall be produced through a flare system that has been designed to gather and burn hydrogen sulfide gas safely. Flare lines shall be located at a distance that is sufficient to compensate for wind changes. The flare system shall be equipped with a pilot and an automatic igniter. Backup ignition for each flare shall be provided.</p> <p>(e) Gases from stored test fluids shall be vented into a flare system.</p> <p>(f) Testing operations in which produced gases are flared shall comply with permit regulations of other state and federal agencies.</p> <p>(11) <b>Sour Flowlines and Sour Gathering Lines.</b> In addition to the requirements set forth in Rule 400-1-8-.03 relating to Gathering Lines, the following applies to the operation of sour flowlines and sour gathering lines.</p> <p>(a) <b>Approval Procedures.</b> The following information which applies to the design, construction, and maintenance of sour flowlines and sour gathering lines, shall be submitted for approval by the Supervisor:</p> <ol style="list-style-type: none"> <li>1. Description of corrosion monitoring and inspection programs;</li> <li>2. Description of safety systems, including associated shutdown procedures, designed to detect the continuing escape of hydrogen sulfide;</li> <li>3. The following certification signed and dated with the title of the company representative: “(Operator) certifies that the (Sour Flowline or Sour Gathering line) has been designed and will be installed and inspected to meet or exceed accepted industry standards for gas and liquid lines in hydrogen sulfide service.” A certified plan of any future modification to a sour gathering line or sour flowline shall also be submitted to and approved by the Supervisor prior to making such modification;</li> </ol>

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	<p>4. Proof of public notification as set forth in section (c) below or evidence that the public has been or will be given notice and opportunity to comment on the proposed work through the public notification procedures of another agency having permit authority;</p> <p>5. Additional information when required by the Supervisor.</p> <p><b>(b) Modifications and Repairs.</b></p> <p>1. Any modification to a sour flowline or sour gathering line shall be submitted to and approved by the Supervisor prior to making such modification. Such operations may include, but not be limited to, the addition of a source or incoming side stream, increasing the pressure or capacity, or any modification that will alter the accuracy of the information previously submitted. Prior to placing the line back into service, the operator shall recertify the gathering line.</p> <p>2. Remedial action to repair or replace damaged sour flowlines or sour gathering lines may be performed after approval by the Supervisor. Repairs that do not alter the accuracy of information previously submitted are not subject to recertification.</p> <p><b>(c) Public Participation.</b> In order to afford the public an opportunity to participate in this matter, the operator shall comply with the following procedure:</p> <p>1. The operator shall cause to be placed in a newspaper having general circulation in the county or counties in which the proposed line will be located, a notice setting forth a description of the proposed operation, and the operator shall provide the Supervisor proof of publication of such notice.</p> <p>2. The notice shall state that during the fifteen (15) days following publication of the notice, interested parties may obtain additional information concerning the proposed operations from or submit comments to the State Oil and Gas Supervisor, P. O. Box 869999, Tuscaloosa, Alabama 35486-6999.</p> <p>3. The notice shall state that a public meeting may be requested by any interested party at any time during the fifteen- (15-) day comment period.</p> <p>4. If no public meeting is scheduled by the Supervisor at the</p>

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	<p>expiration of the fifteen- (15-) day period, and if the application meets all of the requirements of the above rule, then the Supervisor may approve the application.</p> <p>5. If deemed appropriate by the Supervisor, the Board will publish a notice for and conduct a public hearing in lieu of or in addition to any public meeting described in section (c)3. above. Such public hearing shall be in accordance with Rule 400-7-1-.01, et seq., relating to Rules and Regulations Governing Practice and Procedure. The application will be granted, denied, or modified by the Board after the hearing.</p> <p>6. The Supervisor may waive the requirements of this section after reviewing the description of the proposed operations.</p> <p><b>400-2. Rules and Regulations of the State Oil and Gas Board of Alabama Governing Submerged Offshore Lands Operations</b></p> <p><b>400-2-2-.05. Change of Operator.</b></p> <p>(1) The operator of record shall immediately notify the Supervisor in writing of any agreement or other transaction, by which a new operator is to be designated for a well or wells, including all associated production, processing, injection, plant, and gathering line and pipeline facilities, and all other equipment associated with such well or wells. Such notification shall include, but not be limited to, identification of the proposed new operator and a list of wells and all associated facilities and equipment.</p> <p>(2) Within sixty (60) days of the effective date of any agreement or other transaction causing a change of operator, any person or persons desiring to become the new operator of a well or wells must submit for approval to the Supervisor Form OGB-1E, Application for Change of Operator. A single Application for Change of Operator, Form OGB-1E, may be filed requesting a change of operator for multiple wells, facilities, and equipment. Form OGB-1E shall be signed by both the operator of record or present operator and the proposed new operator, with both parties applying to change the operator for the well or wells, including all associated production, processing, injection, plant, and gathering line and pipeline facilities, and all other equipment associated with such well or wells.</p>

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<b>Category</b>	<b>Description</b>
	<p><b>400-2-8-.04. Operations Involving Hydrogen Sulfide.</b></p> <p><b>(7) Contingency Plan.</b></p> <p>(a) Operations that handle gas containing one hundred (100) parts per million (ppm) hydrogen sulfide or more in the system must formulate a contingency plan unless exempted under section (9). The contingency plan must be in place, as specified on Form OGB-24, Operator’s Certificate of Compliance for Operations involving Hydrogen Sulfide, prior to commencing the following operations:</p> <p style="padding-left: 40px;">5. Producing hydrocarbons bearing hydrogen sulfide into a sour flowline or sour gathering line;</p> <p>(b) A contingency plan shall include the following items:</p> <p style="padding-left: 40px;">1. A plat covering the area of exposure or an area having a radius of one (1) mile, whichever is greater. The plat shall include the location of the well, facility, or corridor showing all good roads, residences, public areas and places, areas of low elevation where hydrogen sulfide might accumulate, the direction of prevailing winds, oil and gas wells, separators, heaters, corridors of gathering or pipeline systems, pumping stations, plants, transformer stations, and other manmade structures or features that may be of importance.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>State Oil and Gas Board of Alabama Administrative Code, November 2011</b></p> <p><b>400-1-1-.10. Agents to Have Access.</b></p> <p>All operators of oil and gas wells, Class II injection wells, drilling or workover rigs, processing facilities, injection facilities, storage facilities, gathering lines, and underground storage facilities are required to allow and assist the agents of the Board in making any and all inspections that may be required by the Board. The agents of the Board shall have access to all well, production, injection and</p>

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	<p>transport records and shall be permitted to come upon any property to inspect well records and to inspect and gauge any and all wells, drilling or workover rigs, processing facilities, injection facilities, storage facilities, and gathering lines referred to herein at all times.</p> <p><b>Section 9-17-6. Oil and Gas Board—Powers and duties generally.</b></p> <p>(a) The board shall have jurisdiction and authority over all persons and property necessary to administer and enforce effectively the provisions of this article and all other articles relating to the conservation of oil and gas.</p> <p>(b) The board shall have the authority and it shall be its duty to make such inquiries as it may think proper to determine whether or not waste, over which it has jurisdiction, exists or is imminent. In the exercise of such power the board shall have the authority to perform the following:</p> <p>(4) Examine, check, test and gauge oil and gas wells, tanks, plants, processing facilities, structures, natural gas pipelines and gathering lines, and storage and transportation equipment and facilities, and other modes of transportation.</p> <p>(c) The board shall have the authority to make, after hearing and notice as provided in this article, such reasonable rules, regulations, and orders as may be necessary from time to time in the proper administration and enforcement of this article, including rules, regulations, and orders for the following purposes:</p> <p>(11) To identify the ownership of all oil and gas wells, producing leases, tanks, plants, processing facilities, structures, natural gas pipelines and gathering lines, and storage and transportation equipment and facilities.</p> <p>(18) To require the placing of meters of a type approved by the board wherever the board may designate in plants and processing facilities on all pipelines, gathering systems, barge terminals, loading racks, or other places deemed necessary or proper to prevent waste and the transportation of illegally produced oil or gas. Such meters at all times shall be under the supervision and control of the board; and it shall be a violation of this article, subject to the penalties provided in this article, for any person to refuse to attach or install such meter when ordered to do so by the board or in any way to tamper with such meter so as to produce a false or inaccurate reading or to have any bypass at such a place where the oil or gas can be passed around such meter, unless</p>

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	expressly authorized by written permit of the board. ( <i>Acts 1945, No. 1, p. 1, § 9; Acts 1988, No. 88-576, p. 893, § 1; Act 2000-714, p. 1517, § 1; Act 2008-450</i> )
Link	<a href="http://www.gsa.state.al.us/ogb/ogb.html">http://www.gsa.state.al.us/ogb/ogb.html</a> <a href="http://www.ogb.state.al.us/documents/misc_ogb/goldbook.pdf">http://www.ogb.state.al.us/documents/misc_ogb/goldbook.pdf</a>

Table A.1B – Alabama Public Service Commission

<b>Alabama Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Alabama Public Service Commission, Energy Division, Gas Pipeline Safety Section</b></p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates, inspects and enforces interstate gas and hazardous liquid pipeline safety requirements in Alabama. Through certification by OPS, the state of Alabama regulates, inspects, and enforces intrastate gas and hazardous liquid pipeline safety requirements.</p> <p>The Energy Division oversees the regulation of investor-owned natural gas and water utilities and wastewater management entities under the Commission's regulatory authority. This responsibility includes monitoring rates and quality of service for 28 companies as well as enforcing safety rules for all natural gas and hazardous liquid pipeline systems in Alabama. The division is organized into three functional sections, consisting of:</p> <p><b>Natural Gas</b> - responsible for the regulation of all investor-owned natural gas distribution, transportation, storage and intrastate natural gas pipelines in Alabama in addition to monitoring the RSE ratemaking mechanism and related programs for Alabama Gas Corporation and Mobile Gas Service Corporation.</p> <p><b>Gas Pipeline Safety</b> - inspects all gas and hazardous liquid pipeline systems operating in Alabama, including offshore in state waters, for safety purposes under the U.S. Department of Transportation's gas pipeline safety rules.</p> <p><b>Water &amp; Wastewater</b> - oversees the regulation of investor-owned and</p>



<b>Alabama Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>out-of-state water and decentralized wastewater systems with authority to operate in Alabama</p> <p>The Gas Pipeline Safety section conducts and carries out the inspection and monitoring activities of all gas and hazardous liquid pipeline systems operating in Alabama, including offshore in state waters. The responsibility was given to the Commission by the Alabama Legislature to assure and obtain compliance with the Minimum Federal Gas Pipeline Safety Standards adopted by the United States Department of Transportation pursuant to the Natural Gas Pipeline Safety Act of 1968.</p>
Regulation in Place	<b>The Code of Alabama 1975, Title 37 Public Utilities And Public Transportation</b>
Summary	<p><b>Article 3 Gas Pipeline Systems</b></p> <p><b><u>Section 37-4-81</u></b></p> <p><b>Compliance with federal minimum safety standards.</b></p> <p>All pipeline systems used in this state for the transportation of gas shall be constructed, operated and maintained in such safe manner as at all times to be in compliance with the defined federal minimum safety standards.</p> <p><b><u>Section 37-4-92</u></b></p> <p><b>Commission - Power and authority.</b></p> <p>The commission shall have the right, power and authority: to provide and make certification, reports and information to the Secretary of the United States Department of Transportation; to enter into agreements with said secretary to carry out the purposes of this article; to enforce federal safety standards in the State of Alabama in lieu of enforcement by the said department of transportation as permitted in the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 (P.L. 96-129); and to exercise regulatory jurisdiction over the safety of pipeline facilities and the transportation of hazardous liquids as permitted by the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 (P.L. 96-129).</p>
Enforcement	Yes

<b>Alabama Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
Authority Yes/No	
Enforcement Authority Active/Passive	Active
Link	<a href="http://www.psc.state.al.us/Energy/EnergyMain.htm">http://www.psc.state.al.us/Energy/EnergyMain.htm</a>

## **A.2 ALASKA**

Alaska inspects, regulates, and enforces interstate and intrastate gas and liquid pipeline safety requirements. The Alaska Department of Natural Resources, Division of Oil and Gas is responsible for the leasing of state lands for oil, gas, and geothermal exploration. The Department of Administration, Oil and Gas Conservation Commission is responsible for protecting the public interest in exploration and development of Alaska’s oil and gas resources. The Alaska Department of Environmental Conservation currently regulates crude oil transmission pipelines. Table A.2.A presents additional information about regulation and enforcement of gathering lines in the state of Alaska.

Table A.2A – Alaska Department of Natural Resources, Division of Oil and Gas

<b>Alaska Department of Natural Resources, Division of Oil and Gas</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Alaska Department of Natural Resources, Division of Oil and Gas</b></p> <p>The Division of Oil and Gas is responsible for the leasing of state lands for oil, gas, and geothermal exploration.</p> <p><b>Department of Administration, Oil and Gas Conservation Commission</b></p> <p>Mission</p> <p>To protect the public interest in exploration and development of Alaska’s</p>

<b>Alaska Department of Natural Resources, Division of Oil and Gas</b>	
<b>Category</b>	<b>Description</b>
	<p>valuable oil and gas resources through the application of conservation practices designed to ensure greater ultimate recovery and the protection of health, safety, fresh ground waters and the rights of all owners to recover their share of the resource.</p> <p>The State of Alaska, Department of Administration, Alaska Oil and Gas Conservation Commission (AOGCC) acts to prohibit the physical waste of crude oil, ensure a greater resource recovery, and protect the rights of persons owning oil and gas interests in State lands. AOGCC administers the underground injection control program and oversees metering operations to determine the quality and quantity of product produced. AOGCC reviews drilling plans of operation to ensure: proper well design, well control equipment, well logging programs, production practices, and plugging and abandonment procedures. They verify that operations are conducted in accordance with state statutes, regulations and approved procedures.</p> <p><b>Alaska Department of Environmental Conservation</b></p> <p>The Alaska Department of Environmental Conservation currently regulates crude oil transmission pipelines, defined in 18 AAC 75.990 (134).</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate and intrastate gas and liquid pipeline safety requirements in Alaska.</p>
Regulation in Place	<b>Alaska Department of Environmental Conservation, Title 18 Environmental Conservation, Chapter 75, Oil and Other Hazardous Substances Pollution Control, Article 1, Section 80 Requirements for facility oil piping</b>
Summary	<b>Alaska Department of Environmental Conservation, Title 18 Environmental Conservation, Chapter 75, Oil and Other Hazardous Substances Pollution Control</b>

**Alaska Department of Natural Resources, Division of Oil and Gas**

Category	Description
	<p><b>18 AAC 75.080, Requirements for facility oil piping</b></p> <p>(a) The owner or operator of an oil terminal, crude oil transmission pipeline, exploration facility, or production facility shall ensure that all facility oil piping associated with that facility meets the requirements of this section.</p> <p>(b) The owner or operator shall maintain metallic facility oil piping containing oil in accordance with a corrosion control program.</p> <p>(c) Unless the owner or operator must comply with a more stringent requirement set out in this section, the owner or operator shall ensure that facility oil piping placed in service after December 30, 2008 is designed and constructed in accordance with one of the following standards, as appropriate:</p> <p>(1) American Society of Mechanical Engineers, <i>Process Piping</i>, 2005 Edition (ASME B31.3-2004), adopted by reference;</p> <p>(2) American Society of Mechanical Engineers, <i>Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids</i>, 2002 Edition (ASME B31.4-2002), adopted by reference;</p> <p>(3) American Society of Mechanical Engineers, <i>Gas Transmission and Distribution Piping Systems</i>, 2003 Edition (ASME B31.8-2003), adopted by reference;</p> <p>(4) another equivalent standard approved by the department.</p> <p>(d) The owner or operator shall ensure that buried metallic facility oil piping placed in service between May 14, 1992 and December 30, 2008 is protected from corrosion by installing protective coating and cathodic protection appropriate for local soil conditions, and is of all welded construction with no clamped, threaded, or similar connections for lines larger than a one inch nominal pipe size.</p> <p>(e) The owner or operator shall ensure that buried facility oil piping placed in service after December 30, 2008</p> <p>(1) is of all welded construction with no clamped, threaded, or similar connections for lines larger than a one inch nominal pipe size; and</p> <p>(2) unless constructed of a corrosion-resistant material approved by the department, is</p> <p>(A) protected from corrosion by installing protective coating; and</p> <p>(B) cathodically protected in accordance with (f) of this section.</p> <p>(f) The owner or operator shall ensure that, after December 30, 2008, cathodic protection systems installed on facility oil piping are</p> <p>(1) consistent with NACE International's <i>Standard Recommended Practice: Control of External Corrosion on Underground or Submerged Metallic Piping Systems</i>, 2002 edition (NACE RP0169-</p>

**Alaska Department of Natural Resources, Division of Oil and Gas**

Category	Description
	<p>2002), adopted by reference;</p> <p>(2) designed by a corrosion expert; and</p> <p>(3) installed under the supervision of a corrosion expert.</p> <p>(g) The owner or operator shall ensure that, if a piping segment of a buried facility oil piping installation is exposed for any reason, the segment is carefully examined for damaged coating or corroded piping in accordance with Section 9.2.6 of <i>Piping Inspection Code: Inspection, Repair, Alteration, and Rerating of In-service Piping Systems</i> (API 570), adopted by reference in (j) of this section. If active corrosion is found during that examination,</p> <p>(1) the owner or operator shall implement actions for control of future corrosion; and</p> <p>(2) significant repairs or replacements must meet the requirements of (c) and (e) of this section.</p> <p>(h) An owner or operator of a buried facility oil piping installation of metallic construction without cathodic protection shall ensure that the piping</p> <p>(1) is electrically inspected by a corrosion expert for active corrosion at least once every three years, but with intervals between inspection not exceeding 39 months; and</p> <p>(2) in areas in which active corrosion is found, is cathodically protected in accordance with (d) or (f) of this section, as appropriate.</p> <p>(i) The owner or operator shall ensure that aboveground facility oil piping is supported consistent with the requirements of Paragraph 321 of <i>Process Piping</i> (ASME B31.3-2004), adopted by reference in (c) of this section.</p> <p>(j) After December 30, 2007, unless the owner or operator must comply with a more stringent requirement set out in this section, the owner or operator shall ensure that all facility oil piping is maintained and inspected under</p> <p>(1) a program developed in accordance with the requirements of the American Petroleum Institute's (API) <i>Piping Inspection Code: Inspection, Repair, Alteration, and Rerating of In-service Piping Systems</i>, Second Edition, October 1998, Addendum 1, February 2000, Addendum 2, December 2001, and Addendum 3, August 2003 (API 570), adopted by reference; or</p> <p>(2) another equivalent program approved by the department.</p> <p>(k) Unless the owner or operator must comply with a more stringent requirement set out in this section, the operation and maintenance of a cathodic protection system on facility oil piping must</p> <p>(1) be consistent with Section 10 of <i>Standard Recommended Practice: Control of External Corrosion on Underground or Submerged Metallic Piping Systems</i> (NACE RP0169-2002), adopted by</p>

**Alaska Department of Natural Resources, Division of Oil and Gas**

<b>Category</b>	<b>Description</b>
	<p>reference in (f) of this section;</p> <p>(2) include a cathodic protection survey by a corrosion expert or qualified cathodic protection tester; and</p> <p>(3) include maintenance of test lead wires, in a condition that enables electrical measurements to be taken to determine the effectiveness of a cathodic protection system.</p> <p>(l) The owner or operator of aboveground facility oil piping, other than piping specified in (m) of this section, shall ensure that the piping is protected from atmospheric corrosion by the application of a protective coating or by the use of corrosion-resistant material unless the owner or operator demonstrates by test, investigation, or experience appropriate to the environment of the piping segment that the anticipated extent of corrosion will</p> <p>(1) only be a light surface oxide; or</p> <p>(2) not affect the safe operation of the piping before the next scheduled inspection under a program developed under (j) of this section.</p> <p>(m) The owner or operator of aboveground facility oil piping located outside a sufficiently impermeable deck onboard a marine structure or at a soil-to-air interface shall ensure that the piping is protected against external corrosion through the application of a protective coating or by the use of corrosion-resistant materials.</p> <p>(n) The owner or operator of aboveground facility oil piping and valves shall ensure that the piping and valves are</p> <p>(1) visually checked for leaks or damage during routine operations or at least monthly; and</p> <p>(2) appropriately protected from damage by vehicles.</p> <p>(o) The owner or operator of facility oil piping that is removed from service for more than one year shall ensure that the facility oil piping is free of accumulated oil, identified as to origin, marked on the exterior with the words "Out of Service" and the date taken out of service, secured in a manner to prevent unauthorized use, and either blank flanged or otherwise isolated from the system. The owner or operator shall notify the department when facility oil piping is removed from service and when the actions required by this subsection are completed.</p> <p>(p) In this section,</p> <p>(1) "active corrosion" means continuing corrosion that, unless controlled, could result in a spill;</p> <p>(2) "buried" means covered or in contact with soil;</p> <p>(3) "protective coating" means a durable external coating that is applied to piping and that</p> <p>(A) isolates the external surface of the piping from the environment;</p> <p>(B) has sufficient adhesion to effectively resist underfilm migration of moisture;</p>

**Alaska Department of Natural Resources, Division of Oil and Gas**

<b>Category</b>	<b>Description</b>
	<p>(C) is sufficiently ductile to resist cracking in the range of temperatures encountered during bending, handling, installation, and operation;</p> <p>(D) has sufficient strength and adhesion, or is otherwise protected, to resist mechanical damage;</p> <p>(E) resists degradation throughout the range of temperatures encountered during storage, shipping, construction, and operation; and</p> <p>(F) is compatible with the cathodic protection system in use on the piping;</p> <p>(4) "removed from service" means not in regular use for the service intended and not included in a regular maintenance and inspection program in accordance with (j) of this section;</p> <p>(5) "submerged" means located below the surface of waters of the state.</p> <p><b>18 AAC 75.990, Definitions</b></p> <p>Unless the context indicates otherwise, in this chapter</p> <p>(134) "transmission pipeline" means a pipeline through which crude oil moves in transportation, including line pipe, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units; "transmission pipeline" does not include gathering lines, flow lines, or facility oil piping;</p> <p><b>AS 46.04.900. Definitions</b></p> <p>(8) "exploration facility" means a platform, vessel, or other facility used to explore for hydrocarbons in or on the waters of the state or in or on land in the state; the term does not include platforms or vessels used for stratigraphic drilling or other operations that are not authorized or intended to drill to a producing formation;</p> <p>(19) "pipeline" means the facilities, including piping, compressors, pump stations, and storage tanks, used to transport crude oil and associated hydrocarbons between production facilities or from one or more production facilities to marine vessels;</p>

Alaska Department of Natural Resources, Division of Oil and Gas	
Category	Description
	(20) "production facility" means a drilling rig, drill site, flow station, gathering center, pump station, storage tank, well, and related appurtenances on other facilities to produce, gather, clean, dehydrate, condition, or store crude oil and associated hydrocarbons in or on the water of the state or on land in the state, and gathering and flow lines used to transport crude oil and associated hydrocarbons to the inlet of a pipeline system for delivery to a marine facility, refinery, or other production facility;
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<a href="http://doa.alaska.gov/ogc/">http://doa.alaska.gov/ogc/</a> <a href="http://dec.alaska.gov/">http://dec.alaska.gov/</a> <a href="http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[JUMP:'18+aac+75!2E080']/doc/{@1}?firsthit">http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[JUMP:'18+aac+75!2E080']/doc/{@1}?firsthit</a>

### A.3 ARKANSAS

The Arkansas Public Service Commission is certified by OPS to regulate, inspect, and enforce intrastate gas and hazardous liquid pipelines including gathering lines within the scope of Federal pipeline safety regulations. The Arkansas Oil and Gas Commission is authorized to conduct compliance inspections during the drilling process and operational life of a well. The Arkansas Oil and Gas Commission, General Rules and Regulations as of May 18, 2012 include additional requirements for all pipelines containing 100 PPM or greater hydrogen sulfide. Tables A.3A and A.3B present additional information about regulation and enforcement of gathering lines in the state of Arkansas.

Table A.3A – Arkansas Oil and Gas Commission

Arkansas Oil and Gas Commission	
Category	Description



<b>Arkansas Oil and Gas Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Arkansas Oil and Gas Commission</b></p> <p>Mission:</p> <p>The purpose of the Arkansas Oil and Gas Commission is to serve the public regarding oil and gas matters, prevent waste, encourage conservation, and protect the correlative rights of ownership associated with the production of oil, natural gas and brine, while protecting the environment during the production process, through the regulation and enforcement of the laws of the State of Arkansas.</p> <p>Regulatory function:</p> <p>Conduct compliance inspections during drilling process and operational life of well.</p> <p>Conduct monthly administrative hearings to enforce provisions of the oil and gas statutes and regulations.</p>
Regulation in Place	<b>Arkansas Oil And Gas Commission, General Rules And Regulations as of May 18, 2012</b>
Summary	<p><b>RULE A-1: APPLICATION OF RULES, REGULATIONS, AND ORDERS</b></p> <p>a) The following General Rules have been adopted by the Oil and Gas Commission in accordance with applicable state law requirements and are General Rules of state-wide application, applying to the conservation and prevention of waste of crude oil and natural gas in the State of Arkansas and protection of the vested, co-equal or correlative rights of owners of crude oil and natural gas.</p> <p><b>RULE B-11: DOMESTIC NATURAL GAS WELLS AND CONVERSION OF PERMITTED OIL AND NATURAL GAS WELLS FOR USE AS DOMESTIC NATURAL GAS OR FRESH WATER SUPPLY WELLS</b></p> <p>a) Domestic Natural Gas Wells</p> <p>2) If the gas produced from a well operating as a domestic use well is</p>

<b>Arkansas Oil and Gas Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>gathered for resale to others, that well is under the jurisdiction of the Commission and shall be subject to all applicable regulatory requirements of the Commission and any other applicable state laws regarding the production, gathering and distribution of natural gas for use by consumers.</p> <p><b>RULE B-26: GENERAL LEASE OPERATING REQUIREMENTS</b></p> <p>g) Natural gas production lines and gathering lines shall be installed and operated in accordance with General Rule D-17 – General Rule Relative to Establishing An Effective And Efficient Procedure For The Regulation Of Production Field Lines For Natural Gas As Well As Safety Standards or other applicable Commission rules.</p> <p><b>RULE B-41: RULE FOR OPERATION IN HYDROGEN SULFIDE (H<sub>2</sub>S) AREAS</b></p> <p>Each operator who conducts operations in known areas of Hydrogen Sulfide (H<sub>2</sub>S) with minimum concentrations of fifteen (15) ppm under atmospheric conditions or one hundred (100) ppm or more in the gas stream shall provide safeguards to protect the general public from the harmful effects of Hydrogen Sulfide (H<sub>2</sub>S). The Director of the Arkansas Oil and Gas Commission shall determine the areas covered by this rule.</p> <p>Operations shall include drilling, completion, workover, producing, gathering, and storage of hydrocarbon fluids, natural gas and fluids produced in association with Bromine extraction. These operations fall under these guidelines</p> <p><b>RULE D-17: GENERAL RULE FOR THE REGULATION OF NATURAL GAS PIPELINES</b></p> <p>a) Definitions</p> <ol style="list-style-type: none"> <li>1) Jurisdictional Pipeline means any onshore pipeline regulated under Federal Regulation 49 CFR Part 192 as amended, which is within the jurisdiction of the Arkansas Oil and Gas Commission in accordance with Ark. Code Ann. § 15-71-110 as amended.</li> <li>2) Non-Jurisdictional Pipeline means any onshore pipeline, including but not limited to flowlines, production lines, or</li> </ol>

**Arkansas Oil and Gas Commission**

<b>Category</b>	<b>Description</b>
	<p>gathering lines, not under jurisdiction of Federal Regulation 49 CFR Part 192 as amended, which is within the jurisdiction of the Arkansas Oil and Gas Commission in accordance with Ark. Code Ann. § 15-71-110 as amended.</p> <p>f) Additional Requirements for All Pipelines Containing 100 PPM or Greater Hydrogen Sulfide.</p> <p>1) Construction Requirements:</p> <p>A) All pipeline materials must be chemically compatible with any natural gas transported by the pipeline and such pipeline shall maintain structural integrity under the anticipated temperatures and environmental conditions for which the pipeline may be exposed, and</p> <p>B) All piping must be of sufficient thickness or must be installed with adequate protection to withstand anticipated external pressures and loads that will be imposed on the pipe after installation, and</p> <p>C) No pipeline may be operated after new construction, repair or relocation until it has been successfully tested for at least one hour with a minimum pressure of 1.25 times the maximum operating pressure to substantiate the maximum operating pressure with all leaks located and eliminated, and</p> <p>D) All metallic pipelines must be adequately protected from both external and internal corrosion and the operator is required to submit an annual report, by March 31<sup>st</sup> of every year for the preceding calendar year, of the effectiveness of the company's corrosion program, with such protection efforts performed by an independent contractor specializing in the control of corrosion.</p> <p>2) Each operator shall prepare, maintain and follow for each pipeline, a manual of written procedures for conducting operations, maintenance activities and emergency response. This plan must be reviewed and updated as often as necessary. A review must be conducted annually but not to exceed 15 months between reviews.</p>

**Arkansas Oil and Gas Commission**

<b>Category</b>	<b>Description</b>
	<p>3) Each operator shall have a procedure for continuing surveillance of its facilities and take appropriate action regarding, failures, corrosion and operating conditions.</p> <p>4) Each operator must develop and carry out a damage prevention program to prevent damage to its pipelines from excavation activities. Each operator shall be a member of the state wide “one-call” system. The plan must have a method of communicating to excavators in the area where the pipeline is located of the existence of the pipeline, provide a means of receiving and recording notification of planned excavation activities, provide for temporary marking of the pipeline and inspection of the pipeline when the operator has reason to believe it could be damaged by excavation activities.</p> <p>5) Each operator shall establish written procedures to minimize the hazards resulting from a gas pipeline emergency event. Each plan must include at a minimum:</p> <ul style="list-style-type: none"><li>A) Methods of receiving and identifying an event which requires immediate response; and</li><li>B) Methods for establishing and maintaining adequate communication with appropriate emergency response and public officials; and</li><li>C) Methods for determining safe areas related to evacuation and security during an event; and</li><li>D) Methods for training employees of their duties and responsibilities during an event.</li></ul> <p>6) Each operator shall develop and implement a written continuing public awareness plan which includes provisions for educating the public, appropriate governmental organizations and persons engaged in excavation activities. Use of a one-call notification prior to conducting excavation, possible hazards associated with unintended releases from the pipeline, physical indications that such a release may have occurred, steps that should be taken for the safety of the public, procedures for reporting such an event. The program must include activities to advise</p>

**Arkansas Oil and Gas Commission**

<b>Category</b>	<b>Description</b>
	<p>affected municipalities, schools, businesses and residents along the pipeline right of way. The program and media used must be as comprehensive as necessary to reach all areas in which the operator shall transport gas.</p> <p>7) Each operator shall establish procedures for analyzing accidents and failures for the purpose of determining the cause of the failure and minimizing the possibility of subsequent reoccurrence.</p> <p>8) Each operator shall not operate any pipeline at a pressure that exceeds the documented pressure at which the pipeline may be safely operated.</p> <p>9) Each operator shall have a patrol program to observe surface conditions on and adjacent to its pipeline right-of-way for indications of leaks, construction activity, erosion, condition of signage, conditions at public road and railroad crossings and other factors affecting safety and operation of the pipeline. Patrols shall be conducted and documented at least twice each calendar year, not to exceed 7 ½ months between patrols.</p> <p>10) Each operator shall maintain appropriate pipeline markers at all public road and railroad crossings and along the pipeline at intervals necessary to identify the location of the buried pipeline. The marker should include the words “Warning”, “Caution” or “Danger” followed by the words “Gas Pipeline” along with the operators name and telephone number where the operator can be reached at all times.</p> <p>11) Each pressure relieving device in a compressor station, pressure limiting station or regulator station must be inspected, tested and operated at the pipelines maximum operating pressure, once each calendar year and not to exceed 15 months to determine proper operation.</p> <p>12) Each remote controlled shutdown device must be inspected and tested once each calendar year and not to exceed 15 months to determine proper operation.</p> <p>13) Each line valve that serves to block a segment of pipeline and or might be used in an emergency, must be inspected and partially operated once each calendar year and not to exceed 15 months.</p>

<b>Arkansas Oil and Gas Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>14) Each operator shall maintain records associated with operation and maintenance of the pipeline required in this section.</p> <p>15) Each pipeline abandoned in place must be disconnected from all sources of gas, purged of gas, filled with freshwater or inert material and sealed at both ends. When a pipeline is being purged all efforts must be taken to (i) prevent the formation of a hazardous mixture of gas and air, (ii) ensure that all safety equipment necessary is present, (iii) remove all non-essential persons from the area and (iv) ensure the public is adequately protected.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>Arkansas Oil And Gas Commission, General Rules And Regulations as of May 18, 2012</b></p> <p><b>RULE A-2: GENERAL HEARING PROCEDURES</b></p> <p>k) Commission’s Order--Final Administrative Decision</p> <p>Within 30 days of the close of the hearing record, the Commission shall issue findings of fact, conclusions of law and final administrative decision of the Commission signed by the Director. The Commission shall have continuing jurisdiction for the purposes of enforcement, and/or modifications or amendments to the provisions of all orders. Any appeals shall be governed by the Administrative Procedures Act found in Ark. Code Ann. § 25-15-201 <i>et. seq.</i></p> <p><b>RULE D-17: GENERAL RULE FOR THE REGULATION OF NATURAL GAS PIPELINES</b></p> <p>e) Requirements for Jurisdictional Pipelines</p> <p>1) All jurisdictional pipelines shall be in compliance with</p>

<b>Arkansas Oil and Gas Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>construction, operation and maintenance requirements contained in Federal Regulations 49 CFR Part 192 Subpart A thru Subpart O as amended, which are herein incorporated by reference.</p> <p>2) All jurisdictional pipelines shall be subject to the applicable enforcement provisions of Federal Regulation 49 CFR Part 190 as amended, which are herein incorporated by reference.</p> <p><b>RULE E-1: PIPE LINES, PURCHASERS AND TRANSPORTERS</b></p> <p>(A) No carrier by pipe line and no gathering system shall transport oil from any lease or wells if the said pipe line or gathering system has reason to believe the owner or operator of said lease or wells to which it is connected has violated any rule, regulation or order of the Commission or any conservation laws of the State with reference to oil and gas.</p> <p>(B) No pipe line company shall transport oil from any gathering system which the said pipe line company has reason to believe has violated any rule, regulation or order of the Commission or any conservation law of this state with reference to oil and gas.</p> <p>It shall be the duty of the pipe line company to suspend transportation of any oil from said gathering system until such time as such pipe line company is notified in writing by the agent of the Commission that the violation on the part of the gathering system has been discontinued and that the gathering system is complying with the rules, regulations and orders of the Commission and the conservation laws of the State of Arkansas.</p>
Link	<p><a href="http://www.aogc.state.ar.us/OnlineData/Forms/Rules%20and%20Regulations.pdf">http://www.aogc.state.ar.us/OnlineData/Forms/Rules%20and%20Regulations.pdf</a></p> <p><a href="http://www.aogc.state.ar.us/mission.pdf">http://www.aogc.state.ar.us/mission.pdf</a></p>

Table A.3B – Arkansas Public Service Commission

<b>Arkansas Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Arkansas Public Service Commission, Pipeline Safety Office</b></p> <p>Pipeline safety laws fall under federal authority in Title 49, United States Code. Chapter 601 of Title 49 establishes the framework for promoting pipeline safety via federal authority for regulation of interstate pipeline facilities and federal delegation to the states for all or part of the responsibility for intrastate pipeline facilities under an annual certification or agreement. <b>Ark. Code Ann §23-15-204</b> empowers the Arkansas Public Service Commission to obtain a certification with the federal government to regulate gas pipeline safety of intrastate natural gas operators. The Commission's Pipeline Safety Office enforces pipeline safety rules contained in the Arkansas Gas Pipeline Code.</p> <p>The Pipeline Safety Office inspects four natural gas distribution utilities for operating safety, gas leakage, and the control of corrosion. The inspections ensure that gas operators are in compliance with the Arkansas Gas Pipeline Code. The Pipeline Safety Office is responsible for 2,081 miles of intrastate gas transmission and gathering pipelines, 17,692 miles of gas distribution mains, and 641,830 gas service lines.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates, inspects, and enforces interstate gas and hazardous liquid pipeline safety requirements in Arkansas. OPS also inspects, regulates and enforces intrastate hazardous pipeline safety requirements in Arkansas. Through certification by OPS, the state of Arkansas regulates, inspects, and enforces intrastate natural gas pipeline safety requirements.</p>
Regulation in Place	<p><b>Arkansas Public Service Commission, Arkansas Gas Pipeline Code for Design, Construction, Operation Inspection and Maintenance of Natural Gas Systems, June 8, 2012</b></p>
Summary	<p>The Arkansas Gas Pipeline Code is comprised of Parts 190, Enforcement Procedures; 191, Annual and Incident Reports; 192, Minimum Safety Standards; 193, Liquefied Natural Gas Facilities; and 199, Drug and Alcohol Testing. The paragraphs in Parts 191, 192, 193, and 199 correspond to the paragraph numbers of Parts 191, 192, 193, and 199 of Title 49, Code of Federal Regulations, Pipeline Safety Regulations. Parts</p>



<b>Arkansas Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>191 and 192 changed to include certain gathering lines containing 100 ppm or more of hydrogen sulfide. (Docket: 93-020-R, Order 3, 04/26/93).</p> <p>Arkansas Gas Pipeline Code, June 8, 2012 – 192.1(b) This part does not apply to gathering of gas through a pipeline that operates at less than 0 p.s.i.g. (0kPa), and through a pipeline that is not a regulated onshore gathering line (as determined in §192.8); however, it shall apply to the gathering, transmission or distribution of gas containing 100 or more parts-per-million of hydrogen sulfide from the custodial transfer meter through any pipeline, rural or non-rural, to and through any pipeline facility that removes hydrogen sulfide, except that portion of such a pipeline or pipeline facility that is located within the fenced boundary of a petroleum refinery.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Active
Link	<a href="http://www.apscservices.info/PSOIndex.asp">http://www.apscservices.info/PSOIndex.asp</a>

**A.4 CALIFORNIA**

California is certified by OPS to regulate, inspect, and enforce intrastate gas and liquid pipeline safety requirements. This work is performed by two separate agencies. The California Public Utilities Commission (CPUC) ensures that the state's natural gas pipeline systems are designed, constructed, operated, and maintained according to safety standards set by the CPUC and the federal government. The California Office of the State Fire Marshal inspects interstate liquid pipelines. According to California Department of Conservation’s Pipeline Inspection and Testing requirements, a mechanical integrity test shall be performed on all active environmentally sensitive pipelines that are gathering lines, and all urban pipelines over 4” in diameter, every two years. However, pipelines less than 10 years old are exempt from the two year testing requirement. Tables A.4A, A.4B1, and A.4B2 present additional information about regulation and enforcement of gathering lines in the state of California.

Table A.4A – California Department of Conservation, Division of Oil, Gas and Geothermal Resources

<b>California Department of Conservation, Division of Oil, Gas and Geothermal Resources</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Department of Conservation, Division of Oil, Gas and Geothermal Resources</b></p> <p>The Division of Oil, Gas, and Geothermal Resources (DOGGR) was formed in 1915 to address the needs of the state, local governments, and industry by regulating statewide oil and gas activities with uniform laws and regulations. The Division supervises the drilling, operation, maintenance, and plugging and abandonment of onshore and offshore oil, gas, and geothermal wells, preventing damage to: (1) life, health, property, and natural resources; (2) underground and surface waters suitable for irrigation or domestic use; and (3) oil, gas, and geothermal reservoirs. Division requirements encourage wise development of California’s oil, gas, and geothermal resources while protecting the environment.</p> <p>The Division’s programs include: well permitting and testing; safety inspections; oversight of production and injection projects; environmental lease inspections; idle-well testing; inspecting oilfield tanks, pipelines, and sumps; hazardous and orphan well plugging and abandonment contracts; and subsidence monitoring.</p>
Regulation in place	<p><b>California Laws for Conservation of Petroleum &amp; Gas, October 2012</b></p> <p><b>California Code of Regulations, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, January 2011</b></p>
Summary	<p><b>California Laws for Conservation of Petroleum &amp; Gas, October 2012</b></p> <p><b>Title 14. Natural Resources, Division 2. Department of Conservation</b></p> <p><b>3004. “Supervisor”</b> means the State Oil and Gas Supervisor.</p> <p><b>3010. “Production facility”</b> means any equipment attendant to oil and gas production or injection operations including, but not limited to, tanks,</p>

**California Department of Conservation,  
Division of Oil, Gas and Geothermal Resources**

<b>Category</b>	<b>Description</b>
	<p>flowlines, headers, gathering lines, wellheads, heater treaters, pumps, valves, compressors, injection equipment, and pipelines that are not under the jurisdiction of the State Fire Marshal pursuant to Section 51010 of the Government Code.</p> <p><b>3106.</b> (a) The supervisor shall so supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities attendant to oil and gas production, including pipelines not subject to regulation pursuant to Chapter 5.5 (commencing with Section 51010) of Part 1 of Division 1 of Title 5 of the Government Code that are within an oil and gas field, so as to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil and gas deposits from infiltrating water and other causes; loss of oil, gas, or reservoir energy, and damage to underground and surface waters suitable for irrigation or domestic purposes by the infiltration of, or the addition of, detrimental substances.</p> <p><b>30262.</b> (a) Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:</p> <p>(7) (A) All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.</p> <p>(B) Once oil produced offshore California is onshore, it shall be transported to processing and refining facilities by pipeline.</p> <p>(C) The following guidelines shall be used when applying subparagraphs (A) and (B):</p> <p>(i) “Best achievable technology,” means the technology that provides the greatest degree of protection taking into consideration both of the following:</p> <p>(I) Processes that are being developed, or could feasibly be developed, anywhere in the world, given overall reasonable expenditures on research and development.</p> <p>(II) Processes that are currently in use anywhere in the world.</p>

**California Department of Conservation,  
Division of Oil, Gas and Geothermal Resources**

<b>Category</b>	<b>Description</b>
	<p>This clause is not intended to create any conflicting or duplicative regulation of pipelines, including those governing the transportation of oil produced from onshore reserves.</p> <p>(ii) “Oil” refers to crude oil before it is refined into products, including gasoline, bunker fuel, lubricants, and asphalt. Crude oil that is upgraded in quality through residue reduction or other means shall be transported as provided in subparagraphs (A) and (B).</p> <p>(iii) Subparagraphs (A) and (B) shall apply only to new or expanded oil extraction operations. “New extraction operations” means production of offshore oil from leases that did not exist or had never produced oil, as of January 1, 2003, or from platforms, drilling island, subsea completions, or onshore drilling sites, that did not exist as of January 1, 2003. “Expanded oil extraction” means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003.</p> <p>(iv) For new or expanded oil extraction operations subject to clause (iii), if the crude oil is so highly viscous that pipelining is determined to be an infeasible mode of transportation, or where there is no feasible access to a pipeline, shipment of crude oil may be permitted over land by other modes of transportation, including trains or trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.</p> <p><b>California Code of Regulations, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, January 2011</b></p> <p><b>1760. Definitions.</b></p> <p>(g) “<b>Flowline</b>” or “<b>injection line</b>” mean any pipeline that connects a well with a gathering line or header.</p> <p>(h) “<b>Gathering line</b>” means a pipeline (independent of size) that transports</p>

**California Department of Conservation,  
Division of Oil, Gas and Geothermal Resources**

Category	Description
	<p>liquid hydrocarbons between any of the following: multiple wells, a testing facility, a treating and production facility, a storage facility, or a custody transfer facility.</p> <p>(j) <b>“Pipeline”</b> means a tube, usually cylindrical, with a cross sectional area greater than 0.8 square inches (1 inch nominal diameter), through which crude oil, liquid hydrocarbons, combustible gases, and/or produced water flows from one point to another within the administrative boundaries of an oil or gas field. Pipelines under the State Fire Marshal jurisdiction, as specified by the Elder Pipeline Safety Act of 1981 (commencing with Section 51010 of the Government Code, and the regulations promulgated thereunder) are exempt from this definition.</p> <p>(k) <b>“Production facility”</b> means any equipment attendant to oil and gas production or injection operations including, but not limited to, tanks, flowlines, headers, gathering lines, wellheads, heater treaters, pumps, valves, compressors, injection equipment, production safety systems, separators, manifolds, and pipelines that are not under the jurisdiction of the State Fire Marshal pursuant to Section 51010 of the Government Code, excluding fire suppressant equipment.</p> <p><b>1774. Pipeline Construction and Maintenance.</b></p> <p>Newly installed pipelines shall be designed, constructed, and all pipelines shall be tested, operated, and maintained in accordance with good oil field practice and applicable standards, as set forth in either the American Petroleum Institute (API) (API Rec. Prac. 1110, 3rd Ed., Dec. 1991, and API Spec. effective 1990), American Society for Testing and Materials (ASTM) (ASTM Designation Stand. Spec., 1991), or Code of Federal Regulations 49, Part 192, or other methods approved by the Supervisor. The Supervisor may require design or construction modifications, and/or additional testing and maintenance if he or she determines that good oil field practices and applicable standards have not been used. Good oilfield practice includes, but is not limited to:</p> <p style="padding-left: 40px;">(a) Utilization of preventative methods such as cathodic protection and corrosion inhibitors, as appropriate, to minimize external and internal corrosion.</p> <p style="padding-left: 40px;">(b) Utilization of pipeline coating or external wrapping for new or replaced buried or partially buried pipelines to minimize external corrosion. The coating or external wrapping should have a high</p>

**California Department of Conservation,  
Division of Oil, Gas and Geothermal Resources**

Category	Description
	<p>electrical resistance, be an effective moisture barrier, have good adhesion to the pipe, and be able to resist damage during handling.</p> <p>(c) Employment, where practical, of equipment such as high and low-pressure or level alarms, automatic notification devices, and safety shut-down devices to minimize spill volume in the event of a leak.</p> <p>(d) If feasible, locating above ground, preferably on supports or racks, any new pipelines or parts of a pipeline system that are being relocated or replaced.</p> <p><b>1774.1. Pipeline Inspection and Testing.</b></p> <p>(a) Operators shall visually inspect all aboveground pipelines for leaks and corrosion at least once a year.</p> <p>(b) The Supervisor may order such tests or inspections deemed necessary to establish the reliability of any pipeline system. Repair, replacement, or cathodic protection may be required.</p> <p>(c) Any pipeline that has had a leak resulting in the release of a reportable quantity shall be pressure tested to verify integrity prior to being placed back into service.</p> <p>(d) Pipe clamps, wooden plugs or screw-in plugs shall not be used for permanent repair of pipeline leaks.</p> <p>(e) A mechanical integrity test shall be performed on all active environmentally sensitive pipelines that are gathering lines, and all urban pipelines over 4" in diameter, every two years. Pipelines less than 10 years old are exempt from the two year testing requirement. These tests shall be performed to ensure the pipeline integrity by using at least one of the following methods:</p> <ol style="list-style-type: none"> <li>(1) Nondestructive testing using ultrasonic or other techniques approved by the Supervisor, to determine wall thickness.</li> <li>(2) Hydrostatic testing using the guidelines recommended in Publication API RP 1110 (3d Ed., Dec. 1991), Testing of Liquid Petroleum Pipelines, or the method approved by the State Fire Marshal, Pipeline Safety and Enforcement Division.</li> <li>(3) Internal inspection devices such as a smart pig, as approved by the Supervisor.</li> </ol>

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Division of Oil, Gas and Geothermal Resources**

Category	Description
	<p>(4) Or any other method of ensuring the integrity of a pipeline that is approved by the Supervisor. Copies of test results shall be maintained in a local office of the operator for five years and made available to the Division, upon request. The operator shall repair and retest or remove from service any pipeline that fails the mechanical integrity test. The Division shall be promptly notified in writing by the operator of any pipeline taken out of service due to a test failure.</p> <p>(f) A county board of Supervisors, a city council, or another state agency may petition the Supervisor to include other pipelines within their jurisdiction as environmentally sensitive. The request must be in writing and based on findings of a competent, professional evaluation that shows there is a probability of significant public danger or environmental damage if a leak were to occur.</p> <p>(1) Within 30 days of receipt of a petition, the Supervisor shall notify any affected operator.</p> <p>(2) Within 60 days of notification to the operators, the Supervisor shall schedule a hearing with the petitioner and operators to allow all parties to be heard.</p> <p>(3) Within 30 days after the conclusion of the hearing, the Supervisor shall make a determination as to whether the areas or pipelines should be considered environmentally sensitive.</p> <p><b>1774.2. Pipeline Management Plans.</b></p> <p>(a) Operators shall prepare a pipeline management plan for all pipelines within two years of the effective date of this regulation. The plan shall be provided to the Supervisor upon request. The plan shall be updated within 90 days whenever pipelines are acquired, installed, altered, or at the request of the Supervisor. Pipelines that have been abandoned to the standards specified in Section 1776(f) are exempt from this requirement.</p> <p>(b) The pipeline management plan shall include the following:</p> <p>(1) A listing of information on each pipeline including, but not limited to: pipeline type, grade, actual or estimated installation date of pipeline, design and operating pressures, and any available leak, repair, inspection and testing history.</p>

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Division of Oil, Gas and Geothermal Resources**

Category	Description
	<p>(2) A description of the testing method and schedule for all pipelines.</p> <p>(c) The Supervisor may establish additional requirements or modifications to a pipeline management plan, based on individual circumstances, to ensure life, health, property, and natural resources are protected adequately.</p> <p>(d) A plan prepared pursuant to California Code of Regulations Title 8, Section 6533 may fulfill the requirements of this section if the plan is determined to be adequate by the appropriate Division district deputy.</p> <p><b>1777. Maintenance and Monitoring of Production Facilities, Safety Systems, and Equipment.</b></p> <p>(a) Operators shall maintain production facilities in good condition and in a manner to prevent leakage or corrosion and to safeguard life, health, property, and natural resources.</p> <p>(b) Operators shall establish and comply with a written preventative maintenance program plan for prevention of corrosion and leakage and shall maintain documentation of steps taken to follow the plan. Such a preventative maintenance plan shall include, but not be limited to, the following factors:</p> <ul style="list-style-type: none"> <li>(1) The level of usage and wear to which the production facilities are exposed.</li> <li>(2) The age of the production facilities.</li> <li>(3) Climate conditions where the production facilities are located.</li> <li>(4) Industry standards for maintenance and corrosion prevention.</li> <li>(5) Maintenance recommendations or guidelines from the manufacturers of the production facilities.</li> </ul> <p>(c) Maintenance of production facilities shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> <li>(1) Operators shall conduct external visual inspections at least once a month of aboveground production facilities, excluding pipelines, for leaks and corrosion. Facilities that are not operating properly or</li> </ul>



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Division of Oil, Gas and Geothermal Resources**

<b>Category</b>	<b>Description</b>
	<p>are leaking shall be repaired or replaced.</p> <p>(2) Weeds and debris shall be removed from secondary containment areas or catch basins, and the integrity of all berms shall be inspected monthly. Fluids, including rainwater, shall be removed.</p> <p>(3) Well cellars shall be covered and kept drained. Grating or flooring shall be installed and maintained in good condition so as to exclude people and animals. Cellars should be protected from as much runoff water as practical.</p> <p>(4) Injection lines shall be disconnected from injection wells unless there is current approval from the Division for injection of fluid.</p> <p>(d) All equipment and facilities in urban areas shall be enclosed individually or with perimeter fencing in accordance with Section 1778(a) or Section 1778(e) where it is necessary to protect life and property. Enclosures in nonurban areas shall be constructed in accordance with Section 1778(a) or Section 1778(b) where necessary to protect life and property.</p> <p>(e) The Supervisor may order the operator to inspect and test safety systems and equipment associated with consolidated production facilities. The frequency of the inspection and testing may be based on the manufacturer's recommendation.</p> <p>(f) Vehicle access routes to all production facilities must be maintained in a safe and passable condition.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>California Laws for Conservation of Petroleum &amp; Gas, October 2012</b></p> <p><b>3236.</b> Any owner or operator, or employee thereof, who refuses to permit the supervisor or the district deputy, or his inspector, to inspect a well, or who willfully hinders or delays the enforcement of the provisions of this</p>

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Division of Oil, Gas and Geothermal Resources**

Category	Description
	<p>chapter, and every person, whether as principal, agent, servant, employee, or otherwise, who violates, fails, neglects, or refuses to comply with any of the provisions of this chapter, or who fails or neglects or refuses to furnish any report or record which may be required pursuant to the provisions of this chapter, or who willfully renders a false or fraudulent report, is guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), or by imprisonment for not exceeding six months, or by both such fine and imprisonment, for each such offense.</p> <p><b>Article 4.4. Regulation of Production Facilities</b></p> <p><b>3270.</b> (a) The division shall, by regulation, prescribe minimum facility maintenance standards for all production facilities in the state. The regulations shall include, but are not limited to, standards for all of the following:</p> <ol style="list-style-type: none"> <li>(1) Leak detection.</li> <li>(2) Corrosion prevention and testing.</li> <li>(3) Tank inspection and cleaning.</li> <li>(4) Valve and gauge maintenance, and secondary containment maintenance.</li> <li>(5) Other facility or equipment maintenance that the supervisor deems important for the proper operation of production facilities and that the supervisor determines are necessary to prevent damage to life, health, property, and natural resources; damage to underground oil and gas deposits from infiltrating water and other causes; loss of oil, gas, or reservoir energy; and damage to underground and surface waters suitable for irrigation or domestic purposes by the infiltration of, or the addition of, detrimental substances.</li> </ol> <p>(b) An operator who constructs, acquires, maintains, or alters an oil well or a production facility shall comply with the standards prescribed pursuant to subdivision (a).</p> <p>(c) In a form and at a time prescribed by the division in regulation, an operator shall notify the supervisor of the construction,</p>

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<b>Category</b>	<b>Description</b>
	<p>alteration, or decommissioning of a production facility.</p> <p>(d) An operator shall maintain at the production facility's local office records of maintenance and repair operations, tests, and inspections, and shall provide the supervisor with access to these records at all times during normal business hours and with copies of the records immediately, upon request.</p> <p><b>3270.2.</b> The division shall inspect production facilities to ensure compliance with the standards prescribed in the regulations promulgated pursuant to subdivision (a) of Section 3270.</p> <p><b>3270.3.</b> In addition to any other remedy provided by law, the supervisor, upon his or her determination or that of the district deputy that a production facility is being operated in violation of the standards prescribed in subdivision (a) of Section 3270, may issue a cease and desist order to a production facility operator requiring the operator to cease operation until the operator demonstrates, to the satisfaction of the supervisor, that the violation has been corrected.</p> <p><b>California Code of Regulations, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, January 2011</b></p> <p><b>1777.1. Production Facility Inspection Frequency.</b></p> <p>(a) The Supervisor may order an operator to conduct inspections required under Sections 1773.3(b), 1774.1(a) or 1777(c)(1) more frequently if the operator:</p> <ul style="list-style-type: none"> <li>(1) Has failed to comply with an order of the Supervisor;</li> <li>(2) Has a history of leakage or spills at a specific well or production facility; or</li> <li>(3) Has a history of noncompliance with Public Resources Code, Division 3, Chapter 1 and the regulations promulgated thereunder.</li> </ul>

<b>California Department of Conservation, Division of Oil, Gas and Geothermal Resources</b>	
<b>Category</b>	<b>Description</b>
	(b) Every two years after the effective date of an order issued under this section, the Supervisor shall review the operator’s history of compliance, leaks and spills to determine whether the order should be rescinded.
Link	<a href="http://www.conservation.ca.gov/dog/Pages/aboutUs.aspx">http://www.conservation.ca.gov/dog/Pages/aboutUs.aspx</a> <a href="http://www.conservation.ca.gov/dog/pubs_stats/Pages/law_regulations.aspx">http://www.conservation.ca.gov/dog/pubs_stats/Pages/law_regulations.aspx</a> <a href="ftp://ftp.consrv.ca.gov/pub/oil/publications/PRC04_January_11.pdf">ftp://ftp.consrv.ca.gov/pub/oil/publications/PRC04_January_11.pdf</a> <a href="ftp://ftp.consrv.ca.gov/pub/oil/laws/PRC01.pdf">ftp://ftp.consrv.ca.gov/pub/oil/laws/PRC01.pdf</a>

Table A.4B1 – California Department of Forestry and Fire Prevention, Office of the State Fire Marshall, Pipeline Safety Division

<b>California Department of Forestry and Fire Prevention, Office of the State Fire Marshall, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>California Department of Forestry and Fire Prevention, Office of the State Fire Marshal, Pipeline Safety Division</b></p> <p>The Office of the State Fire Marshal (SFM) regulates the safety of approximately 5,500 miles of intrastate hazardous liquid transportation pipelines and acts as an agent of the federal Office of Pipeline Safety concerning the inspection of more than 2,000 miles of interstate pipelines. Pipeline Safety staff inspect, test, and investigate to ensure compliance with all federal and state pipeline safety laws and regulations. All spills, ruptures, fires, or similar incidents are responded to immediately; all such accidents are investigated for cause. Hazardous liquid pipelines are also periodically tested for integrity using procedures approved by SFM.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates and enforces interstate gas and liquid pipeline safety requirements in California. OPS also inspects interstate gas pipeline safety requirements in California. Through certification by OPS, the state of California regulates, inspects, and enforces intrastate gas and liquid pipeline safety requirements. By signed agreement with OPS, California also inspects interstate liquid pipeline safety requirements.</p>

<b>California Department of Forestry and Fire Prevention, Office of the State Fire Marshal, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	The California Office of the State Fire Marshal performs this work.
Regulation in place	<b>California Codes, Government Code Section 51010-51019.1</b>
Summary	<b>51010.</b> It is the intent of the Legislature, in enacting this chapter, that the State Fire Marshal shall exercise exclusive safety regulatory and enforcement authority over intrastate hazardous liquid pipelines and, to the extent authorized by agreement between the State Fire Marshal and the United States Secretary of Transportation, and may act as agent for the United State Secretary of Transportation to implement the federal Hazardous Liquid Pipeline Safety Act (49 U.S.C. Sec.2001 et seq.) and federal pipeline safety regulations as to those portions of interstate pipelines located within this state, as necessary to obtain annual federal certification.
Enforcement Authority  Yes/No	Yes  The Office of the State Fire Marshal ensures that the state's hazardous liquid pipeline systems are designed, constructed, operated, and maintained according to safety standards set by the CPUC and the federal government. This authority covers gathering lines within the scope of 49 CFR 195.
Enforcement Authority  Active/Passive	Active
Link	<a href="http://osfm.fire.ca.gov/pipeline/pdf/regulation/cacodes.pdf">http://osfm.fire.ca.gov/pipeline/pdf/regulation/cacodes.pdf</a> <a href="http://osfm.fire.ca.gov/pipeline/pipeline.php">http://osfm.fire.ca.gov/pipeline/pipeline.php</a>

Table A.4B2 – California Public Utilities Commission

<b>California Public Utilities Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>California Public Utilities Commission</b>  The California Public Utilities Commission (CPUC) ensures that the state's natural gas pipeline systems are designed, constructed, operated, and

<b>California Public Utilities Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>maintained according to safety standards set by the CPUC and the federal government. CPUC gas safety inspectors are trained and certified by the federal government. The CPUC enforces safety regulations, inspects utility work, and makes necessary additions and changes to regulations for promoting the safety of the public and the utility employees that work on the gas pipeline systems.</p> <p>The CPUC endorses the system safety approach embodied in the federal government's regulation of pipeline and hazardous materials safety. State and federal regulators are tasked with ensuring that pipeline and hazardous materials operators have risk management programs in place, that those programs are designed in conformance with state and federal laws, that the programs are effective in achieving safety for the public and the employees of the operator, and that the entire system of achieving safety continues to improve itself.</p> <p>The CPUC conducts compliance inspections, accident investigations, reviews utilities' reports and records, conducts construction inspections, conducts special studies, and takes action in response to complaints and inquiries from the public on issues regarding gas pipeline safety.</p> <p>The CPUC also conducts audits and inspections of gas facilities owned and operated by mobile home parks, and audits and inspections of underground propane gas distributions systems.</p> <p>The Commission's Utilities Safety and Reliability Branch (USRB) of the Consumer Protection and Safety Division was established to oversee the safety of electric, communications, natural gas, and propane gas systems. The Branch enforces Commission rules and regulations, investigates and recommends ways to reduce utility related accidents, and advises the Commission on related matters. Since utility safety concerns sometimes transcend state boundaries, the Safety and Reliability Branch may also participate in various national safety oriented organizations. In addition, the USRB conducts accident investigations, responds to safety related complaints, inspects new construction, and ensures that the safety regulations reflect state of the art changes in materials, equipment, and technology.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of</p>

<b>California Public Utilities Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates and enforces interstate gas and liquid pipeline safety requirements in California. OPS also inspects interstate gas pipeline safety requirements in California. Through certification by OPS, the state of California regulates, inspects, and enforces intrastate gas and liquid pipeline safety requirements.</p>
Regulation in place	<p><b>Public Utilities Commission of the State of California</b></p> <p><b>General Order No. 112-E, State of California Rules Governing Design, Construction, Testing, Operation, and Maintenance of Gas Gathering, Transmission, and Distribution Piping Systems.</b></p>
Summary	<p><b>SUBPART C - CONSTRUCTION &amp; SAFETY STANDARDS,</b></p> <p><b>141 GENERAL</b></p> <p><b>141.1</b> Each operator shall comply with the requirements of 49 CFR part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards. This section of the General Order addresses specific construction, testing, and safety standards in addition to those included in 49 CFR Part 192. These rules do not supercede the Federal Pipeline Safety Regulations, but are supplements to them.</p> <p><b>144 TEST REQUIREMENTS FOR PIPELINES TO OPERATE BELOW 100 p.s.i.g.</b></p> <p><b>144.1</b> Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated below 100 p.s.i.g. must be leak tested in accordance with 49 CFR 192.509 and the following:</p> <p>(a) Each main that is to be operated at less than 1 p.s.i.g. must be tested to at least 10 p.s.i.g.</p> <p>(b) Each main to be operated at or above 1 p.s.i.g. but less than 60 p.s.i.g. must be tested to at least 90 p.s.i.g.</p> <p>(c) Each main to be operated at or above 60 p.s.i.g. but less than 100</p>

<b>California Public Utilities Commission</b>	
<b>Category</b>	<b>Description</b>
	p.s.i.g. must be tested to a minimum of 1.5 times the proposed MAOP.
Enforcement Authority Yes/No	Yes  The California Public Utilities Commission (CPUC) ensures that the state's natural gas pipeline systems are designed, constructed, operated, and maintained according to safety standards set by the CPUC and the federal government. This authority covers gathering lines within the scope of 49 CFR 192.
Enforcement Authority Active/Passive	Active  The Gas Safety and Reliability Branch (GSRB) of the CPUC created a comprehensive, high-level, Gas Safety Action Plan to guide and promote the CPUC's shift in culture from the traditional compliance model to a firm but fair regulatory structure that sets, monitors, and enforces rules for regulated utilities based on risk assessment and risk management. The Gas Safety Action Plan also serves to monitor the CPUC's efforts to implement improvements responsive to recommendations made by the Independent Review Panel and the National Transportation Safety Board in response to the tragic San Bruno gas explosion that occurred on September 9, 2010.
Link	<a href="http://www.cpuc.ca.gov/PUC/safety/Pipeline/Natural_Gas_Safety_Action_Plan-Oct_2012.htm">http://www.cpuc.ca.gov/PUC/safety/Pipeline/Natural_Gas_Safety_Action_Plan-Oct_2012.htm</a>  <a href="http://www.cpuc.ca.gov/PUC/aboutus/Divisions/Consumer+Protection/Utilities+Safety+Branch/Natural+Gas+Safety/index.htm">http://www.cpuc.ca.gov/PUC/aboutus/Divisions/Consumer+Protection/Utilities+Safety+Branch/Natural+Gas+Safety/index.htm</a>

## **A.5 COLORADO**

The Colorado Public Utilities Commission is charged with enforcing the state's gas pipeline safety regulations. In Colorado, OPS inspects, regulates and enforces interstate gas pipeline safety requirements in Colorado, and it also inspects, regulates and enforces both intrastate and interstate liquid pipeline safety requirements. Through certification by OPS, the state of Colorado regulates, inspects, and enforces intrastate gas pipeline safety requirements. The Colorado Oil and Gas Conservation Act states that the Colorado Oil and Gas Conservation Commission has jurisdiction over all persons and property, public and private, necessary to enforce the provisions of the act which includes regulations applicable to pipelines including gathering lines. The term gathering line means a pipeline and equipment that transports gas from



a production facility (ordinarily commencing downstream of the final production separator at the inlet flange of the custody transfer meter) to a natural gas processing plant or transmission line or main. Tables A.5A and A.5B present additional information about regulation and enforcement of gathering lines in the state of Colorado.

Table A.5A – Colorado Oil & Gas Conservation Commission

<b>Colorado Oil &amp; Gas Conservation Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Colorado Oil &amp; Gas Conservation Commission</b></p> <p>The Colorado Oil and Gas Conservation Act, Title 34, Article 60, states that the Colorado Oil and Gas Conservation Commission has jurisdiction over all persons and property, public and private, necessary to enforce the provisions of this article, and has the power to make and enforce rules, regulations, and orders pursuant to this article, and to do whatever may reasonably be necessary to carry out the provisions of this article. The mission of the commission is to foster the responsible development of Colorado's oil and gas natural resources. Duties of the director of the commission include enforcing the rules and regulations adopted by the commission.</p>
Regulation in Place	<p><b>Colorado Revised Statutes, Title 34, Mineral Resources, Article 60, Oil and Gas Conservation</b></p> <p><b>Colorado Department of Regulatory Agencies, Public Utilities Commission, 4 Code of Colorado Regulations (CCR) 723-4, Part 4 Rules Regulating Gas Utilities and Pipeline Operators</b></p>
Summary	<p><b>Colorado Revised Statutes, Title 34, Mineral Resources, Article 60, Oil and Gas Conservation</b></p> <p><b>RULES AND REGULATIONS DEFINITIONS (100 Series)</b></p> <p><b>GATHERING LINE</b> shall mean a pipeline and equipment described below that transports gas from a production facility (ordinarily commencing downstream of the final production separator at the inlet flange of the custody transfer meter) to a natural gas processing plant or</p>

**Colorado Oil & Gas Conservation Commission**

<b>Category</b>	<b>Description</b>
	<p>transmission line or main. The term “gathering line” includes valves, metering equipment, communication equipment, cathodic protection facilities, and pig launchers and receivers, but does not include dehydrators, treaters, tanks, separators, or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmission lines, or main lines.</p> <p><b>OIL AND GAS FACILITY</b> shall mean equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.</p> <p><b>PRODUCTION FACILITIES</b> shall mean all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells, or injection wells.</p> <p><b>PIPELINE REGULATIONS (Series 1100)</b></p> <p><b>1101. INSTALLATION AND RECLAMATION</b></p> <p><b>a. Material.</b></p> <p>(1) Materials for pipe and other components of pipelines shall be:</p> <ul style="list-style-type: none"> <li>A. Able to maintain the structural integrity of the pipeline under temperature, pressure, and other conditions that may be anticipated;</li> <li>B. Compatible with the substances to be transported.</li> <li>C. Locatable by a tracer line or location device placed adjacent to or in the trench of all buried nonmetallic pipelines to facilitate the location of such pipelines.</li> </ul> <p><b>b. Design.</b> Each component of a pipeline shall be designed and installed to prevent failure from corrosion and to withstand anticipated operating pressures and other loadings without impairment of its serviceability. The pipe shall have sufficient wall thickness or be installed with adequate protection to withstand anticipated external pressures and loads that will be imposed on the pipe after</p>

**Colorado Oil & Gas Conservation Commission**

<b>Category</b>	<b>Description</b>
	<p>installation.</p> <p><b>c. Cover.</b></p> <p>(1) All installed pipelines shall have cover sufficient to protect them from damage. On crop land, all pipelines shall have a minimum cover of three (3) feet.</p> <p>(2) Where an underground structure, geologic, economic or other uncontrollable condition prevent pipelines from being installed with minimum cover, or when there is a written agreement between the surface owner and the operator, the line may be installed with less than minimum cover or above ground.</p> <p><b>d. Excavation, backfill and reclamation.</b></p> <p>(1) When pipelines cross crop lands, unless waived by the surface owner, the operator shall segregate topsoil while trenching, and trenches shall be backfilled so that the soils shall be returned to their original relative positions and contour. This requirement to segregate and backfill topsoil shall not apply to trenches which are twelve (12) inches or less in width. Reasonable efforts shall be made to run pipelines parallel to crop irrigation rows on flood irrigated land.</p> <p>(2) On crop lands and non-crop lands, pipeline trenches shall be maintained in order to correct subsidence and reasonably minimize erosion. Interim and final reclamation, including revegetation, shall be performed in accordance with the applicable 1000 Series rules.</p> <p><b>e. Pressure testing of flowlines.</b></p> <p>(1) Before operating a segment of flowline it shall be tested to maximum anticipated operating pressure. In conducting tests, each operator shall ensure that reasonable precautions are taken to protect its employees and the general public. The testing may be conducted using well head pressure sources and well bore fluids, including natural gas. Such pressure tests shall be repeated once shall maintain records of such testing for Commission inspection for at least three (3) years.</p> <p>(2) Flowline segments operating at less than fifteen (15) psig are excepted from pressure testing requirements.</p>

**Colorado Oil & Gas Conservation Commission**

<b>Category</b>	<b>Description</b>
	<p><b>1102. OPERATIONS, MAINTENANCE, AND REPAIR</b></p> <p><b>a. Maintenance.</b></p> <p>(1) Each operator shall take reasonable precautions to prevent failures, leakage and corrosion of pipelines.</p> <p>(2) Whenever an operator discovers any condition that could adversely affect the safe and proper operation of its pipeline, it shall correct it within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the operator shall not operate the affected part of the system until it has corrected the unsafe condition.</p> <p><b>b. Repair.</b></p> <p>(1) Each operator shall, in repairing its pipelines, ensure that the repairs are made in a safe manner and are made so as to prevent injury to persons and damage to property.</p> <p>(2) No operator shall use any pipe, valve, or fitting in repairing pipeline facilities unless the components meet the installation requirements of this section.</p> <p><b>c. Marking.</b></p> <p>(1) In designated high density areas, and where crossing public rights-of-way or utility easement, a marker shall be installed and maintained to identify the location of pipelines.</p> <p>(2) The following shall be written legibly on a background of sharply contrasting color on each line marker:</p> <p>"Warning", "Caution" or "Danger" followed by the words "gas (or name of natural gas or petroleum transported) pipeline" in letters at least one (1) inch high with one-quarter (1/4) inch stroke and the name of the operator and the telephone number where the operator can be reached at all times.</p> <p><b>d. One Call participation.</b> As to any pipelines over which the Commission has jurisdiction, each operator shall become a member of the Utility Notification Center of Colorado and participate in Colorado's One Call notification system, the requirements of which are established by §9-1.5-101., C.R.S. et seq.</p>

<b>Colorado Oil &amp; Gas Conservation Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>e. <b>Emergency response.</b> As to gathering lines with segments subject to safety regulation by the Office of Pipeline Safety, U.S. Department of Transportation, the operator shall prepare and submit an emergency response plan to the Commission and to the county sheriff and each local government jurisdiction traversed by such pipeline segment.</p> <p><b>1103. ABANDONMENT</b></p> <p>Each pipeline abandoned in place shall be disconnected from all sources and supplies of natural gas and petroleum, purged of liquid hydrocarbons, depleted to atmospheric pressure, and cut off three (3) feet below ground surface, or the depth of the pipeline, whichever is less and sealed at the ends. This requirement shall also apply to compressor or gas plant feeder pipelines upon decommissioning or closure of a portion or all of a compressor station or gas plant. Notice of such abandonment shall be filed with the Commission and with the local governmental designee or local government jurisdiction.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Active  <b>Colorado Revised Statutes, Title 34, Mineral Resources, Article 60, Oil and Gas Conservation, General Rules (200 Series)</b>  <b>204. GENERAL FUNCTIONS OF DIRECTOR</b>  The Director and the authorized deputies shall also have the right at all reasonable times to go upon and inspect any oil or gas properties, disposal facilities, or transporters facilities and wells for the purpose of making any investigation or tests to ascertain whether the provisions of the Oil and Gas Conservation Act or these rules or any special field rules are being complied with, and shall report any violation thereof to the Commission.
Link	<a href="http://cogcc.state.co.us/RR_Docs_new/Rules/Completed%20Rules.pdf">http://cogcc.state.co.us/RR_Docs_new/Rules/Completed%20Rules.pdf</a>  <a href="http://cogcc.state.co.us/">http://cogcc.state.co.us/</a>

Table A.5B – Colorado Public Utilities Commission, Gas Pipeline Safety Division

<b>Colorado Public Utilities Commission</b>	
<b>Gas Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Colorado Public Utilities Commission, Gas Pipeline Safety Division</b></p> <p>Colorado Public Utilities Commission's (PUC) Pipeline Safety Group is charged with enforcing the state's gas pipeline safety regulations in order to provide for the safety of the citizens of Colorado. Through its Agreement with the OPS, the PUC conducts and carries out the inspection and monitoring activities of intrastate gas pipeline systems.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate gas pipeline safety requirements in Colorado. OPS also inspects, regulates and enforces both intrastate and interstate liquid pipeline safety requirements in Colorado. Through certification by OPS, the state of Colorado regulates, inspects, and enforces intrastate gas pipeline safety requirements.</p>
Regulation in Place	<p><b>Colorado Department of Regulatory Agencies, Public Utilities Commission, 4 Code of Colorado Regulations (CCR) 723-4, Part 4 Rules Regulating Gas Utilities and Pipeline Operators</b></p>
Summary	<p><b>GAS PIPELINE SAFETY</b></p> <p><b>General Provisions</b></p> <p><b>4900. Scope and Applicability.</b></p> <p>(a) The gas pipeline safety rules prescribe requirements for construction, operation, and maintenance of pipeline facilities, and for reporting by operators. Pursuant to these rules, the Commission conducts its pipeline safety program activities under 49 U.S.C. § 60105 and § 40-2-101, C.R.S. The statutory authority permitting the Commission to enter into cooperative agreements with federal agencies, to adopt and to create rules to administer and to enforce 49 U.S.C. §§ 60101, et seq., can be found at §§ 40-2-115 and 40-7-117, C.R.S.</p>
Enforcement	Yes

<b>Colorado Public Utilities Commission</b>	
<b>Gas Pipeline Safety Division</b>	
Authority Yes/No	
Enforcement Authority Active/Passive	Active
Link	<a href="http://www.dora.state.co.us/puc/pipesafetymain">http://www.dora.state.co.us/puc/pipesafetymain</a> <a href="http://www.dora.state.co.us/puc/rules/723-4.pdf">http://www.dora.state.co.us/puc/rules/723-4.pdf</a> <a href="http://www.dora.state.co.us/puc/pipesafetymain.htm">http://www.dora.state.co.us/puc/pipesafetymain.htm</a>

## A.6 DELAWARE

In Delaware, OPS regulates and inspects both gas and liquid interstate operators. Through agreement with OPS, the state of Delaware inspects the intrastate gas pipeline operators in Delaware. This work is performed by the Delaware Public Service Commission which regulates only the distribution of natural gas to Delaware consumers. These rules do not include regulations for natural gas or hazardous liquid gathering lines. Table A.6 presents additional information about regulation and enforcement of pipelines in the state of Delaware.

Table A.6 – Delaware Public Service Commission

<b>Delaware Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Public Service Commission</b></p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates and inspects both the gas and liquid interstate operators in Delaware. Through agreement with OPS, the state of Delaware inspects the intrastate gas pipeline operators in Delaware. This work is performed by the Delaware Public Service Commission.</p>

<b>Delaware Public Service Commission</b>	
	The Delaware Public Service Commission regulates only the distribution of natural gas to Delaware consumers. <i>The Commission does administer the Natural Gas Pipeline Safety Program for the U.S. Department of Transportation's Office of Pipeline Safety which relates to the operation of both propane and natural gas distribution systems.</i>
Regulation in Place	<b>Title 26 Public Utilities Delaware Administrative Code, Public Service Commission</b>
Summary	<p><b>T8001 Rules to Establish an Intrastate Gas Pipeline Safety Compliance Program</b></p> <p>The minimum standards governing the design, construction, fabrication, installation, inspection, reporting, testing, operation, maintenance, protection, and the safety aspects of operation and maintenance of Regulated Facilities shall be those standards set forth in Parts 191, 192 and 193 of the Federal Regulations, as applicable.</p> <p>These rules do not include regulations for natural gas or hazardous liquid gathering lines.</p>
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<a href="http://regulations.delaware.gov/AdminCode/title26/8000/8001.shtml#TopOfPage">http://regulations.delaware.gov/AdminCode/title26/8000/8001.shtml#TopOfPage</a> <a href="http://depssc.delaware.gov/naturalgas.shtml">http://depssc.delaware.gov/naturalgas.shtml</a>

**A.7 ILLINOIS**

The Illinois Commerce Commission's Natural Gas Pipeline Safety section inspects natural gas pipeline facilities to assure compliance with all Federal and State safety rules and regulations pertaining to the design, construction, operation and maintenance of those facilities. Through



certification by OPS, the Illinois Commerce Commission regulates, inspects, and enforces intrastate gas pipeline safety requirements while OPS regulates, inspects and enforces interstate gas pipeline safety requirements and regulates, inspects, and enforces both intrastate and interstate liquid pipeline safety requirements. The Illinois Department of Natural Resources, Office of Mines and Minerals, Division of Oil and Gas regulates the oil and gas industry. It also regulates flowlines used in the production of oil and/or natural gas that are constructed after November 8, 1993. The term flowline means all injection, produced water, oil or gas flow lines located within the boundaries of a lease or unit, or gathering lines between leases to a centralized storage area, or to the point where the lines connect with a primary transportation pipeline. Tables A.7A and A.7B present additional information about regulation and enforcement of gathering lines in the state of Illinois.

Table A.7A – Illinois Department of Natural Resources

<b>Illinois Department of Natural Resources</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Illinois Department of Natural Resources</b></p> <p>The Office of Mines and Minerals, Division of Oil and Gas regulates the oil and gas industry while protecting the state's environment, land, and water resources.</p>
Regulation in Place	<p><b>Illinois Administrative Code Title 62: Mining, Chapter I: Department of Natural Resources</b></p>
Summary	<p><b>Section 240.10 Definitions</b></p> <p>"Flowline" – means all injection, produced water, oil or gas flow lines located within the boundaries of a lease or unit, or gathering lines between leases to a centralized storage area, or to the point where the lines connect with a primary transportation pipeline.</p> <p><b>Section 240.820 Flowlines</b></p> <p>a) All flowlines used in the production of oil and/or natural gas, constructed after November 8, 1993, shall be buried at least 36 inches below the ground surface. The flowline may be exempt from these burial requirements upon Department approval if:</p> <ol style="list-style-type: none"> <li>1) the flowline is made of steel; and</li> <li>2) Either:             <ol style="list-style-type: none"> <li>A) the topographical features, land uses or ground conditions prevent the efficient burial of flowlines; or</li> <li>B) the terms of the oil and gas lease prohibit the burial of flowlines.</li> </ol> </li> </ol> <p>b) All flowlines which cross and are not buried under natural drainage features such as creeks, streams, rivers or intermitted streams or ravines shall be constructed in such fashion as to bridge the drainage feature to protect the flowlines from damage due to lack of adequate support, resulting in potential discharge.</p> <p>c) The Department shall have the authority to take enforcement action (pursuant to Sections 240.140 through 240.170 of this Part) to require active flowlines existing on the effective date of this rule to be replaced, buried or constructed in accordance with subsection (b) of this Section or to require visible inactive or abandoned flowlines to be removed and the open ends sealed if the Department finds, based on field observation, that the flowlines constitute a hazard to public safety or can reasonably be expected to cause</p>

<b>Illinois Department of Natural Resources</b>	
<b>Category</b>	<b>Description</b>
	<p>damage to the environment through leaks and spills.</p> <p>d) No flowline conveying produced water shall have an outlet valve for the discharge of produced water between the place or well of origin and the authorized storage or disposal point.</p> <p>e) Any spill from a flowline leak shall be cleaned up in accordance with Sections 240.890 and 240.895.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Passive</p> <p>The Office of Mines and Minerals, Division of Oil and Gas regulates the oil and gas industry while protecting the state's environment, land, and water resources. The Division is subdivided into three units. The enforcement unit is responsible for the coordination of all enforcement actions initiated by the Division and investigates all citizen complaints and inquiries, and crude oil and saltwater spills.</p>
Link	<a href="http://www.dnr.illinois.gov/adrules/documents/62-240.pdf">http://www.dnr.illinois.gov/adrules/documents/62-240.pdf</a>

Table A.7B – Illinois Commerce Commission

<b>Illinois Commerce Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Illinois Commerce Commission</b></p> <p>The Illinois Commerce Commission's Natural Gas Pipeline Safety section inspects natural gas pipeline facilities to assure compliance with all Federal and State safety rules and regulations pertaining to the design, construction, operation and maintenance of those facilities. It also investigates incidents involving natural gas resulting in injury requiring hospitalization, a fatality, or property damage exceeding \$50,000.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates, inspects and enforces interstate gas pipeline safety</p>

<b>Illinois Commerce Commission</b>	
	requirements in Illinois. OPS also regulates, inspects and enforces both intrastate and interstate liquid pipeline safety requirements in Illinois. Through certification by OPS, the state of Illinois regulates, inspects, and enforces intrastate gas pipeline safety requirements.
Regulation in Place	<b>Illinois Administrative Code Title 83: Public Utilities Chapter I: Illinois Commerce Commission</b>
Summary	<p><b>Subchapter d: Gas Utilities, Part 590 Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities, Section 590.10 Standards</b></p> <p>The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.1, 191.3, 191.5, 191.7, 191.9, 191.11, 191.13, 191.15, 191.17, 191.23, 191.25, 192, 193 and 199 as of January 1, 2011, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Active
Link	<a href="http://www.icc.illinois.gov/PipelineSafety/">http://www.icc.illinois.gov/PipelineSafety/</a> <a href="http://www.ilga.gov/commission/jcar/admincode/083/083005900000100R.html">http://www.ilga.gov/commission/jcar/admincode/083/083005900000100R.html</a>

## **A.8 INDIANA**

The Indiana Utility Regulatory Commission, Pipeline Safety Division receives Federal authority from the U.S. Department of Transportation to conduct inspections, investigate incidents, and enforce Federal pipeline safety regulations and state statutes and rules. Through certification by OPS, the state of Indiana regulates, inspects, and enforces intrastate gas pipeline safety requirements. By signed agreement with OPS, Indiana also inspects and regulates intrastate hazardous liquid pipelines. Beside Federal pipeline safety regulations, Indiana does not impose additional requirements for natural gas or oil gathering lines. Tables A.8A and A.8B present additional information about regulation and enforcement of gathering lines in the state of Indiana.

Table A.8A – Indiana Department of Natural Resources, Division of Oil and Gas

**Indiana Department of Natural Resources,  
Division of Oil and Gas**

<b>Category</b>	<b>Description</b>
State Agency	<p><b>Indiana Department of Natural Resources, Division of Oil and Gas</b></p> <p>Created in 1947, the Division of Oil and Gas is responsible for administering Indiana’s laws pertaining to the production of those natural resources. These laws regulate petroleum exploration and production operations, including well spacing, exploration, permitting, drilling, completion, production, plugging, and abandonment operations. The laws also govern underground injection of fluids for enhanced oil recovery or for production fluid disposal and the underground storage of natural gas or other petroleum products in underground formations.</p> <p>The Division of Oil and Gas is organized into the following three program areas.</p> <p><b>PERMITTING AND TECHNICAL SERVICES</b> The Permitting and Technical Services section reviews permit applications, conducts file reviews of existing Class II injection wells, provides technical assistance to industry and the public, manages the division's data processing system, reviews requests for well spacing and unit exceptions, develops division programs, and prepares technical and rule documents for consideration and promulgation. The section consists of a Manager and four Petroleum Geologists.</p> <p><b>INSPECTIONS AND ENFORCEMENT</b> The Inspections and Enforcement section conducts site inspections, witnesses well testing, plugging and abandonment operations, responds to and investigates oil and produced water spills, initiates and monitors enforcement actions, and responds to citizen complaints regarding oil and gas related operations. Additionally, this section also prepares, implements, and tracks compliance actions including Notices of Violation, Administrative Orders, and Penalty Assessments. The section consists of an Assistant Director, a Field Inspection Manager, an Administrative Assistant and eight Oil and Gas Inspectors.</p> <p><b>ORPHANED AND ABANDONED SITES</b> The Orphaned and Abandoned Sites Program reviews abandoned well sites for inclusion in a statewide list of sites qualifying for state closure action.</p>

<b>Indiana Department of Natural Resources, Division of Oil and Gas</b>	
<b>Category</b>	<b>Description</b>
	The program manages projects for well closure and site remediation work on improperly abandoned oil and gas production facilities. Funding for the program is provided through annual well fees paid by Indiana operators, civil penalty assessments and forfeited bonds. The section consists of an Assistant Director and an Oil and Gas Inspector.
Regulation in Place	<b>Indiana Administrative Code, Title 312 Natural Resources Commission, Article 16: Oil and Gas</b>
Summary	<p>Article 16. Oil and Gas is subdivided into the following rules.</p> <p>Rule 1: Definitions</p> <p>Rule 2: General Provisions</p> <p>Rule 3: Permits</p> <p>Rule 4: Bonding in Addition to Annual Well Fee</p> <p>Rule 5: Performance Standards and Enforcement</p> <p>Article 16, Rule 5: Performance Standards and Enforcement governs the location and spacing of wells.</p> <p>Rules in Article 16 do not include requirements for natural gas or oil gathering lines.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p>The Indian Department of Natural Resources, Division of Oil and Gas, Inspections and Enforcement section conducts site inspections, witnesses well testing, plugging and abandonment operations, responds to and investigates oil and produced water spills, initiates and monitors enforcement actions, and responds to citizen complaints regarding oil and gas related operations. Additionally, this section also prepares, implements, and tracks compliance actions including Notices of Violation, Administrative Orders, and Penalty Assessments. The section consists of an</p>

<b>Indiana Department of Natural Resources, Division of Oil and Gas</b>	
<b>Category</b>	<b>Description</b>
	Assistant Director, a Field Inspection Manager, an Administrative Assistant and eight Oil and Gas Inspectors.
Link	<a href="http://www.in.gov/legislative/iac/T03120/A00160.PDF">http://www.in.gov/legislative/iac/T03120/A00160.PDF</a>

Table A.8B – Indiana Utility Regulatory Commission, Pipeline Safety Division

<b>Indiana Utility Regulatory Commission, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Indiana Utility Regulatory Commission, Pipeline Safety Division</b></p> <p>Indiana’s Pipeline Safety Division receives its federal authority from the U.S. Department of Transportation to conduct inspections, investigate incidents, and enforce federal safety regulations and state statutes and rules. The division also monitors and evaluates regulatory and policy initiatives and advises the Commission about proceedings initiated by Indiana’s system operators. It is also responsible for educating public officials and emergency responders on how to recognize, report, and respond to gas-related emergencies</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates, inspects and enforces interstate gas and hazardous liquid pipeline safety requirements in Indiana. Through certification by OPS, the state of Indiana regulates, inspects, and enforces intrastate gas pipeline safety requirements. By signed agreement with OPS, Indiana also inspects and regulates intrastate hazardous liquid pipeline safety requirements.</p>
Regulation in Place	<b>Indiana Code Title 8, Article 1, Chapter 22.5. Gas Pipeline Safety</b>
Summary	The division, acting through the commission, shall:

<b>Indiana Utility Regulatory Commission, Pipeline Safety Division</b>	
	(1) Administer and require compliance with federal safety standards applicable to transportation and related pipeline facilities established under the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 60101 et seq.), and otherwise administer this chapter in such manner as may be required in order to maintain and continue in effect certification of the commission under 49 U.S.C. 60105.
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Active
Link	<a href="http://www.in.gov/legislative/iac/T01700/A00050.PDF">http://www.in.gov/legislative/iac/T01700/A00050.PDF</a> <a href="http://www.in.gov/legislative/ic/code/title8/ar1/ch22.5.html">http://www.in.gov/legislative/ic/code/title8/ar1/ch22.5.html</a> <a href="http://www.in.gov/iurc/2335.htm">http://www.in.gov/iurc/2335.htm</a>

**A.9 KANSAS**

The Kansas Corporation Commission has the exclusive jurisdiction and authority to regulate oil and gas activities. The main duty of the Kansas Corporation Commission, Pipeline Safety Division is to ensure public safety through compliance with the pipeline safety regulations. In Kansas, OPS regulates, inspects, and enforces interstate gas pipeline safety requirements and regulates, inspects and enforces both intrastate and interstate liquid pipeline safety requirements. Through certification by OPS, the state of Kansas regulates, inspects, and enforces intrastate gas pipeline safety requirements. Tables A.9A and A.9B present additional information about regulation and enforcement of gathering lines in the state of Kansas.

Table A.9A – Kansas Oil and Gas Conservation Division

<b>Kansas Oil and Gas Conservation Division</b>
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<b>Kansas Oil and Gas Conservation Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Kansas Corporation Commission, Oil and Gas Conservation Division</b></p> <p>The Commission has five main divisions: Administration, Conservation, Utilities, Transportation, and Energy.</p> <p>The mission of the Conservation Division is to protect correlative rights and environmental resources. This is done in part by preventing waste and by enforcing regulations that provide guidelines of producing resources efficiently.</p>
Regulation in Place	<b>Kansas Statute, Chapter 55-Oil and Gas</b>
Summary	<p><b>55-150. Definitions.</b> As used in this act unless the context requires a different meaning:</p> <p>(a) "Commission" means the state corporation commission.</p> <p><b>55-112. Transportation of gas; standards for.</b></p> <p>(a) Any person or persons, firm, company or corporation engaged in drilling for, piping, transporting, using or selling natural gas shall transport or conduct the same through materials listed under appendix B of 49 CFR part 192 and pressure test the pipe according to the criteria provided in subpart J of 49 CFR part 192, as in effect on the effective date of this act.</p> <p>(b) The provisions of subsection (a) shall not apply to any gathering lines which are exempted from 49 CFR part 192.</p> <p>(d) "Gas gathering system" means a natural gas pipeline system used primarily for transporting natural gas from a wellhead, or a metering point for natural gas produced by one or more wells, to a point of entry into a</p>

<b>Kansas Oil and Gas Conservation Division</b>	
	<p>main transmission line, but shall not mean or include: (1) Lead lines from the wellhead to the connection with the gathering system which are owned by the producing person; and (2) gathering systems under the jurisdiction of the federal energy regulatory commission.</p> <p>(e) "Operator" means a person who is responsible for the physical</p>
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<a href="http://www.kcc.state.ks.us/regs/index.htm">http://www.kcc.state.ks.us/regs/index.htm</a>

Table A.9B – Kansas Corporation Commission, Pipeline Safety Division

<b>Kansas Corporation Commission, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Kansas Corporation Commission, Pipeline Safety Division</b></p> <p>The economic, legal, and managerial missions of the Kansas Corporation Commission are to protect the public interest through impartial, efficient, and transparent resolution of all jurisdictional issues; and by participating in other forums and tribunals where articulated state policy objectives are at issue. The agency shall: regulate rates, services and safety of public utilities, common carriers, and motor carriers; regulate oil and gas production by protecting correlative rights, environmental resources, and energy storage; and promote energy-related programs.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates, inspects and enforces interstate gas pipeline safety requirements in Kansas. In addition, OPS regulates, inspects and enforces both intrastate and interstate liquid pipeline safety requirements in Kansas. Through certification by OPS, the state of Kansas regulates, inspects, and</p>

<b>Kansas Corporation Commission, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	enforces intrastate gas pipeline safety requirements.
Regulation in Place	<p><b>Kansas Statute, Chapter 74-Energy</b></p> <p><b>Kansas Administrative Regulation, Chapter 82-Kansas Corporation Commission</b></p> <p><b>General Rules and Regulations for the Conservation of Crude Oil and Natural Gas</b></p> <p><b>Kansas Pipeline Safety Regulations</b></p>
Summary	<p><b>Kansas Statute, Chapter 74-Energy</b></p> <p><b>74-623. Jurisdiction to regulate oil and gas activities with corporation commission; transfer of powers to commission from department of health and environment; contracts, rules and regulations and orders remain in effect.</b> (a) The state corporation commission shall have the exclusive jurisdiction and authority to regulate oil and gas activities. The state corporation commission's jurisdiction shall include: (1) All practices involved in the exploration for and gathering of oil and gas and the drilling, production, lease storage, treatment, abandonment and post abandonment of oil and gas wells; (2) underground porosity storage of natural gas, as defined in K.S.A. 2001 Supp. 55-1,115, and amendments thereto; and (3) prevention and cleanup of pollution of the soils and waters of the state from oil and gas activities described in (1) or (2).</p> <p><b>Kansas Administrative Regulation, Chapter 82-Kansas Corporation Commission</b></p> <p><b>82-1-204. Definitions.</b> As used in these regulations, the following definitions shall apply:</p> <p>(c) “Commission” and “commissioner” mean the state corporation commission of Kansas, and a member of the commission, respectively.</p>

<b>Kansas Corporation Commission, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p><b>82-3-800. LICENSING.</b></p> <p>Each person operating any gas-gathering system within the state of Kansas shall be licensed by the commission. Any person claiming an exemption from reporting under L. 1997, Ch. 132, § 23 shall be licensed.</p> <p><b>82-11-4. Transportation of natural and other gas by pipeline; minimum safety standards.</b></p> <p>The federal rules and regulations titled “transportation of natural and other gas by pipe- line: minimum federal safety standards,” 49 C.F.R. Part 192, including appendices A, B, C, and D, as in effect on October 1, 2006, with the exception of portions that include jurisdiction be- yond the state of Kansas, including off-shore pipe- lines, the outer continental shelf, and states other than Kansas, are adopted by reference with the following exceptions, deletions, additions, and modifications: (Note: None of the exceptions, deletions, additions, and modifications cover gathering lines.)</p> <p><b>82-11-3. Transportation of natural and other gas by pipeline; annual reports and incident reports.</b> The federal rules and regulations titled “transportation of natural and other gas by pipeline; annual reports, incident reports, and safety-related condition reports,” 49 C.F.R. Part 191, as in effect on October 1, 2006, with the exception of portions that include jurisdiction be- yond the state of Kansas, including off-shore pipe- lines, the outer continental shelf, and states other than Kansas, are adopted by reference with the following exceptions, deletions, additions, and modifications:</p> <p>(i) 49 C.F.R. 191.17(a) shall be deleted and re- placed by the following:  “(a) Except as provided in paragraph (b) of this section, each operator of a transmission or gathering pipeline system shall submit an annual report in duplicate for that sys- tem to the commission on U.S. department of transportation form PHMSA F 7100.2-1. This re- port shall be submitted to the gas pipeline safety section not later than March 1 of each year, for the preceding calendar year.”</p>
Enforcement Authority Yes/No	Yes

<b>Kansas Corporation Commission, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
<p>Enforcement Authority Active/Passive</p>	<p>Active</p> <p><b>Kansas Statute, Chapter 74-Energy</b></p> <p><b>74-623. Jurisdiction to regulate oil and gas activities with corporation commission; transfer of powers to commission from department of health and environment; contracts, rules and regulations and orders remain in effect.</b> (a) The state corporation commission shall have the exclusive jurisdiction and authority to regulate oil and gas activities. The state corporation commission's jurisdiction shall include: (1) All practices involved in the exploration for and gathering of oil and gas and the drilling, production, lease storage, treatment, abandonment and post abandonment of oil and gas wells; (2) underground porosity storage of natural gas, as defined in K.S.A. 2001 Supp. 55-1,115, and amendments thereto; and (3) prevention and cleanup of pollution of the soils and waters of the state from oil and gas activities described in (1) or (2).</p> <p><b>Kansas Administrative Regulation, Chapter 82-Kansas Corporation Commission</b></p> <p><b>82-11-6. Procedures to insure compliance with minimum safety standards.</b> The following procedures may be utilized by the commission to insure compliance with the minimum safety standards of this article. (a) Annual audit-inspection. Inspectors from the gas pipeline safety section may visit each operator annually, or as needed, to inspect the operator's operation and maintenance records, and to perform field surveys and tests as required by the regulations of this article. Inspection guides shall be used to record information and test results obtained in each field inspection.</p>
<p>Link</p>	<p><a href="http://www.kcc.state.ks.us/conservation/cons_rr_010711.pdf">http://www.kcc.state.ks.us/conservation/cons_rr_010711.pdf</a></p> <p><a href="http://www.kcc.state.ks.us/conservation/index.htm">http://www.kcc.state.ks.us/conservation/index.htm</a></p> <p><a href="http://kssos.org/pubs/KAR/2009/4%20082_82-Corporation%20Commission,%202009%20KAR%20Vol%204.pdf">http://kssos.org/pubs/KAR/2009/4%20082_82-Corporation%20Commission,%202009%20KAR%20Vol%204.pdf</a></p> <p><a href="http://www.kcc.state.ks.us/pipeline/pipeline_safety_regs_0711.pdf">http://www.kcc.state.ks.us/pipeline/pipeline_safety_regs_0711.pdf</a></p>

<b>Kansas Corporation Commission, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<a href="http://www.kcc.state.ks.us/pipeline/index.htm">http://www.kcc.state.ks.us/pipeline/index.htm</a>

**A.10 KENTUCKY**

The Kentucky Public Service Commission enforces Federal and State pipeline safety laws and regulations for intrastate natural gas transmission pipelines and for local natural gas retail distribution systems. In Kentucky, OPS inspects, regulates, and enforces interstate natural gas and hazardous liquid pipeline safety requirements and enforces intrastate hazardous liquid pipeline safety requirements. Through certification by OPS, the state of Kentucky regulates, inspects, and enforces intrastate natural gas pipeline safety requirements. By signed agreement with OPS, Kentucky also inspects and regulates intrastate hazardous liquid pipeline safety requirements. The Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas regulates the crude oil and natural gas industry in the Commonwealth. The administrative regulation for the Energy and Environment Cabinet establishes provisions for the installation of gathering lines, reclamation of disturbed areas, and safety requirements of gathering lines as they pertain to oil and gas production operations. Tables A.10A and A.10B present additional information about regulation and enforcement of gathering lines in the state of Kentucky.

**Table A.10A – Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas**

<b>Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas</b>  The mission of the Division of Oil and Gas is to regulate the crude oil and natural gas industry in the Commonwealth; protect the correlative rights of mineral owners, fresh water zones and minable coal seams; and conserve and protect oil and gas reserves in Kentucky.
Regulation in Place	<b>Kentucky Administrative Regulations, Title 805, Energy and Environment Cabinet</b>

<b>Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas</b>	
<b>Category</b>	<b>Description</b>
	<b>Kentucky Administrative Regulations, Title 807, Energy and Environment Cabinet Public Service Commission</b>
Summary	<p><b>Kentucky Administrative Regulations, Title 805, Energy and Environment Cabinet 1:190. Gathering lines.</b></p> <p>This administrative regulation establishes provisions for the installation of gathering lines, reclamation of disturbed areas, and safety requirements of gathering lines as they pertain to oil and gas production operations. The regulations for gathering lines are defined in Sections 1 through 18 and summarized below.</p> <p>Section 1. Definitions.</p> <p>(1) "Division" means the Division of Oil and Gas.</p> <p>(3) "Existing gathering line" means any gathering line installed and not abandoned or taken out of service prior to March 18, 2004.</p> <p>(4) "Gas production flow line" means:</p> <p style="padding-left: 40px;">(a) The segment of a gathering line running from a well to the point of interconnection with another gathering line or production compressor; or</p> <p style="padding-left: 40px;">(b) If a well produces both oil and gas, the line from a well.</p> <p>(5) "Gathering line" means any pipeline that is installed or used for the purpose of transporting crude oil or natural gas from a well or production facility to the point of interconnection with another gathering line, an existing storage facility or a transmission or main line, including all lines between interconnections, except those lines or portions thereof subject to the exclusive jurisdiction of the United States Department of Transportation under 49 C.F.R. Parts 191, 192, 194 and 195.</p> <p>(7) "Oil production flow line" means:</p> <p style="padding-left: 40px;">(a) A gathering line running from a well or wells to a tank battery for production treatment and storage; or</p> <p style="padding-left: 40px;">(b) If an injection well, the line from the tank battery to the well.</p> <p>(9) "Transmission line" means a pipeline that is subject to the exclusive</p>

**Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas**

<b>Category</b>	<b>Description</b>
	<p>jurisdiction of the United States Department of Transportation under 49 C.F.R. Parts 191, 192, 194 and 195.</p> <p>Section 2. Applicability. This administrative regulation shall apply to gathering lines installed under permits issued after March 18, 2004 and shall not apply to existing gathering lines unless these lines are identified as being subject to the requirements of Section 4 of this administrative regulation.</p> <p>Section 3. License.</p> <p>Section 4. Maps of Existing Gathering Lines.</p> <p>Section 5. Permit.</p> <p>Section 6. Transfer of Ownership of a Gathering Line.</p> <p>Section 7. Permit Requirements.</p> <p>Section 8. Right-of-Way Agreements.</p> <p>Section 9. Meeting with Bonded Permittee.</p> <p>Section 10. Reclamation Plans.</p> <p>Section 11. General Requirements. (1) Burial of a gathering line. The operator shall bury a gathering line or portion thereof that crosses agricultural land or that would otherwise interfere with the use of a preexisting private roadway, if requested to do so by the owner of the surface of the agricultural land or of other land to which access would be affected, prior to the installation of the gathering line to protect it from</p>



**Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas**

<b>Category</b>	<b>Description</b>
	<p>damage. The gathering line shall be buried to a minimum depth of twenty-four (24) inches, except where solid rock is encountered, in which case the minimum depth of burial shall be twelve (12) inches, if practical. If an underground structure or other geologic or economic condition prevents a gathering line from being buried in accordance with the standards set out above, or if there is an agreement between the surface owner and the operator whereby the minimum standard is waived, the line may be installed at less than the minimum depth or above ground.</p> <p>(2) A gathering line constructed of plastic pipe shall be installed below ground level, unless otherwise permitted by subsection (3) of this section, and in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) The operator shall undertake efforts to minimize shear and tensile stresses; and</li> <li>(b) A tracer line, location device, or suitable conductive wire shall be placed in the trench to facilitate the detection of the gathering line.</li> </ul> <p>(3) A gathering line constructed of plastic pipe may be temporarily installed above ground if:</p> <ul style="list-style-type: none"> <li>(a) The operator demonstrates that the cumulative period of above-ground exposure of the pipe does not exceed the manufacturer's recommended maximum period of exposure or two (2) years, whichever is less;</li> <li>(b) The pipe either is located so as to minimize the possibility of damage by external forces or is otherwise protected against damage;</li> <li>(c) The pipe adequately resists exposure to ultraviolet light and high and low temperature; and</li> <li>(d) The pipe is being used during a production test period not to exceed ninety (90) days.</li> </ul> <p>(4) Line burial at road crossing. Notwithstanding any other provision of this administrative regulation, a gathering line crossing a road shall be buried in accordance with the requirements of the agency having jurisdiction over the road.</p> <p>(5) Line markers. The operator shall install and maintain line markers over an active buried gathering line in accordance with the following standards:</p>

**Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas**

<b>Category</b>	<b>Description</b>
	<p>(a) At intervals of no greater than 500 feet, corresponding to the 500 foot GPS data requirements described in subsection (8) of this section, except that this requirement shall not apply to lines crossing agricultural lands;</p> <p>(b) Lines installed after June 25, 2009, on slopes greater than twenty (20) degrees, markers shall be placed at intervals not to exceed 250 feet;</p> <p>(c) At points where the line changes direction, so that the line location is accurately known;</p> <p>(d) At both sides of each public or private road crossing and at each railroad crossing; and</p> <p>(e) Each marker shall contain the word "Warning", "Caution", or "Danger", followed by the words "Petroleum Pipeline" or "Gas Pipeline", whichever is appropriate, in letters at least one (1) inch high with one-quarter (1/4) inch stroke and the name of the operator with a twenty-four (24) hour emergency response telephone number.</p> <p>(6) Testing of a gathering line. Before placing a gathering line in operation, it shall be tested to ensure that it is capable of maintaining 110 percent of the maximum anticipated operating pressure. In conducting the test, the operator shall ensure that reasonable precautions are taken to protect his employees and the general public. The testing may be conducted using natural gas, compressed air, inert gas or water. Production flow lines operating at less than fifteen (15) psig are exempt from pressure testing requirements.</p> <p>(7) Patrolling, maintenance and repair. All gathering lines shall be maintained in good operating condition at all times and the operator shall take reasonable precautions to prevent failures, leakage and corrosion by performing the following procedures:</p> <p>(a) Perform on-site inspections of a permitted gathering line at least once each calendar year, at intervals not to exceed eighteen (18) months. If an operator discovers any condition that could adversely affect the safe and proper operation of a gathering line, the operator shall correct it within a reasonable time and in accordance with KRS 353.160. However, if the condition presents an immediate hazard to persons or property, the operator shall not operate the affected part of the system until the unsafe condition has been</p>

**Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas**

<b>Category</b>	<b>Description</b>
	<p>corrected;</p> <p>(b) In repairing the gathering line, the operator shall take appropriate action to conduct the repair in a safe manner so as to prevent injury to persons and damage to property; and</p> <p>(c) Maintain records of gathering line inspections and leak repair for division inspection, if requested, for at least three (3) years.</p> <p>(8) As-built requirement. The as-built location of the gathering line shall be depicted with GPS data points spaced every 500 feet, if practical, at points where the gathering line changes direction and at the beginning and termination points of the gathering line. All information regarding the as-built location shall be submitted to the division within twelve months of completion of the gathering line.</p> <p>(9) Compressor station requirements. All wellhead and field compressors shall be installed and maintained according to the following requirements:</p> <p>(a) The operator shall maintain a positive suction pressure at all times;</p> <p>(b) The operator shall install safety devices to ensure the downstream pressure does not exceed the test pressure of the gathering line; and</p> <p>(c) The operator shall record a GPS location of all compressor station sites and submit that location data to the division.</p> <p>Section 12. Reporting of Incidents.</p> <p>Section 13. Emergency Response Plans.</p> <p>Section 14. Abandonment.</p> <p>Section 15. Inspections.</p> <p>Section 16. Order of Cessation and Immediate Compliance.</p>

**Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas**

Category	Description
	<p>Section 17. Penalties.</p> <p>Section 18. Incorporation by Reference.</p> <p><b>Kentucky Administrative Regulations, Title 807, Energy and Environment Cabinet Public Service Commission, 5:026. Gas service; gathering systems.</b></p> <p>Section 1. Definitions. For purposes of this administrative regulation:</p> <p>(3) "Customer line" means all equipment and material required to transfer natural gas from the tap on the gathering line to the customer's premises and includes the saddle or tapping tee, the first service shutoff valve, the meter, and the service regulator, if one is required.</p> <p>(4) "Gas company" means the owner of any producing gas well or gathering line.</p> <p>(5) "Gathering line" means any pipe which carries uncompressed gas and which is used to gather gas from a producing gas well.</p> <p>Section 2. Construction Standards. Construction not specifically addressed by this administrative regulation shall meet applicable requirements of the "American National Standard Code for Pressure Piping, Gas Transmission and Distribution Piping Systems (ASME B31.8)" 1992 edition</p> <p>Section 4. Connections to High Pressure Gathering Lines.</p> <p>(1) Connections shall be smaller than the diameter of the gathering line.</p> <p>(2) Connections shall be on the upper one-half (1/2) of the gathering line surface, and at a forty-five (45) degree angle where practicable.</p> <p>(3) Connections shall be at right angles to the center line of the gathering line.</p>

<b>Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas</b>	
<b>Category</b>	<b>Description</b>
	<p>(4) A service shutoff valve shall immediately follow the connection to the gathering line.</p> <p>Section 5. Control and Limitation of Gas Pressure.</p> <p>(1) If maximum gas pressure on the gathering line may exceed sixty (60) psig, a service regulator shall be installed between the service shutoff valve and the customer meter, and a secondary regulator shall be installed between the service regulator and the customer meter. Regulators shall be spring type, and the secondary regulator shall not be set to maintain pressure higher than sixty (60) psig. A spring type relief valve shall be installed to limit pressure on the inlet of the service regulator to sixty (60) psig or less.</p> <p>(5) All metering and regulating equipment shall be as near to the gathering line as practicable, in accordance with safe and accepted operating practices.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>Kentucky Administrative Regulations, Title 805, Energy and Environment Cabinet 1:190. Gathering lines.</b></p> <p>Section 15. Inspections. The commissioner of the department may, by written order or by other means appropriate under the circumstances, designate and authorize representatives to perform duties pursuant to the administrative regulations contained in 805 KAR Chapter 1. Unless the commissioner has made a written order contrary to the terms of this section, personnel authorized by the director shall be the authorized representatives of the department for the purposes of this administrative regulation as follows:</p> <p>(1) General. In accordance with the provisions of this administrative regulation, the division shall conduct inspections, studies, investigations or make other determinations as it deems reasonable and necessary to obtain information and evidence which shall ensure that the installation, reclamation and operation of gathering lines are conducted in accordance</p>

**Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas**

<b>Category</b>	<b>Description</b>
	<p>with the provisions of all applicable statutes and administration regulations, and all terms and conditions of the gathering line permit.</p> <p>(2) Right of entry and access. Authorized employees of the division shall have unrestricted right of entry to all portions of the gathering line for any purpose associated with their duties pursuant to this administrative regulation, including but not limited to making inspections and delivering documents or information of any kind to persons responsible for or otherwise associated with the gathering line.</p> <p>(3) Timing and frequency of inspections.</p> <p style="padding-left: 40px;">(a) The division shall determine the frequency of its inspections of gathering lines.</p> <p style="padding-left: 40px;">(b) Inspections shall ordinarily be conducted at irregular and unscheduled times during normal workdays, but may be conducted at night, on weekends or on holidays if the division deems these inspections necessary to properly monitor compliance with all applicable statutes and administrative regulations and the terms and conditions of the gathering line permit.</p> <p style="padding-left: 40px;">(c) The division shall have no obligation to give prior notice that an inspection shall be conducted or to obtain a warrant to do so.</p> <p>(4) Citizen’s request for inspection of a gathering line.</p> <p style="padding-left: 40px;">(a) Any citizen may request that the division conduct an inspection of a gathering line by furnishing to the division a signed statement or an oral report followed by a signed statement in which circumstances are set out which give the division reason to believe that a violation, condition or practice in violation of this administrative regulation or a permit condition exists, and setting forth a telephone number and address at which the person making the request can be contacted.</p> <p style="padding-left: 40px;">(b) The identity of any person supplying information to the division relating to a possible violation, condition or practice in violation of this administrative regulation or permit condition shall remain confidential with the division if requested by that person, unless disclosure is required by law.</p> <p style="padding-left: 40px;">(c) Within a reasonable time, the division shall advise the person making the request for inspection or providing information to the division of the following:</p>

<b>Kentucky Energy and Environment Cabinet, Department of Natural Resources, Division of Oil and Gas</b>	
<b>Category</b>	<b>Description</b>
	<p>1. If no inspection was conducted, an explanation of the reasons for which no inspection was conducted.</p> <p>2. If an inspection was conducted, a description of the enforcement action taken, if any, or an explanation of why no enforcement action was taken.</p> <p>(5) Notice of noncompliance. Any authorized representative of the division may issue to the operator a notice of noncompliance and order for remedial measures if, on the basis of an inspection, he finds a violation of this administrative regulation, any permit condition, or any other applicable requirement. The notice of noncompliance shall contain the following:</p> <p style="padding-left: 40px;">(a) The nature of the violation; and</p> <p style="padding-left: 40px;">(b) The provision of a period of forty-five (45) days from the date of issuance of the notice for the taking of corrective action or making of an agreement with the division, which may include a schedule for the accomplishment of interim corrective procedures, if appropriate. The director or his authorized representative may extend the time established for the taking of corrective action or for accomplishment of an interim remedial requirement for good cause shown.</p>
Link	<p><a href="http://www.lrc.ky.gov/kar/TITLE805.htm">http://www.lrc.ky.gov/kar/TITLE805.htm</a></p> <p><a href="http://www.lrc.ky.gov/kar/805/001/190.htm">http://www.lrc.ky.gov/kar/805/001/190.htm</a></p> <p><a href="http://www.lrc.state.ky.us/kar/title807.htm">http://www.lrc.state.ky.us/kar/title807.htm</a></p>

Table A.10B – Kentucky Public Service Commission, Division of Engineering, Gas Branch

<b>Kentucky Public Service Commission, Division of Engineering, Gas Branch</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Kentucky Public Service Commission, Division of Engineering, Gas Branch</b></p> <p>In 1970, the Kentucky General Assembly chose the PSC as the state agency that would enforce the federal pipeline safety standards. The PSC is</p>

<b>Kentucky Public Service Commission, Division of Engineering, Gas Branch</b>	
	<p>certified by the U.S. Department of Transportation and the Pipeline and Hazardous Materials Safety Administration (PHMSA) as having adopted the minimum federal regulations and established substantially the same enforcement measures as those in the federal pipeline safety statutes.</p> <p>The Kentucky Public Service Commission enforces federal and state pipeline safety laws and regulations for intrastate natural gas transmission pipelines and for local natural gas retail distribution systems. The PSC has jurisdiction over 32 intrastate pipeline operators, 32 distribution utilities, 51 municipal distribution systems, and 116 other natural gas operators such as local housing authorities. Federal pipeline safety regulations are minimum standards to assure safety in design, construction, inspection, testing, operation and maintenance of pipelines. The applicable sections of the Code of Federal Regulations are: 49 CFR Parts 190 – 199.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate natural gas and hazardous liquid pipeline safety requirements in Kentucky. OPS also enforces intrastate hazardous liquid pipeline safety requirements in Kentucky. Through certification by OPS, the state of Kentucky regulates, inspects, and enforces intrastate natural gas pipeline safety requirements. By signed agreement with OPS, Kentucky also inspects and regulates intrastate hazardous liquid pipeline safety requirements.</p>
Regulation in Place	<b>Kentucky Revised Statute, 278.470-278.502 Oil and Gas Pipelines and Regulated Facilities</b>
Summary	<p><b>278.495 Authority to regulate safety aspects of natural gas facilities.</b></p> <p>The commission may exercise this authority in conjunction with, and pursuant to, its authority to enforce any minimum safety standard adopted by the United States Department of Transportation pursuant to 49 U.S.C. sec. 60101 et seq., or any amendments thereto, and may promulgate administrative regulations consistent with federal pipeline safety laws in accordance with provisions of KRS Chapter 13A as are necessary to promote pipeline safety in the Commonwealth. In exercising this authority, however, the commission shall consider the impact of any action it takes on small businesses engaged in the installation and servicing of gas lines, master meter systems, or related equipment and shall act so as to ensure that no unfair competitive advantage is given to utilities over such small businesses.</p>



<b>Kentucky Public Service Commission, Division of Engineering, Gas Branch</b>	
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>Kentucky Public Service Commission, Division of Engineering, Gas Branch</b></p> <p>Operator compliance with state and federal pipeline safety regulations is monitored through a comprehensive inspection and enforcement program. The program is comprised of field inspections of operations, maintenance, and construction activities; programmatic inspections of operator procedures, processes, and records; incident investigations and corrective actions; and through direct dialogue with operator management.</p>
Link	<p><a href="http://psc.ky.gov/Home/PipelineSafety">http://psc.ky.gov/Home/PipelineSafety</a></p> <p><a href="http://www.lrc.ky.gov/krs/278-00/chapter.htm">http://www.lrc.ky.gov/krs/278-00/chapter.htm</a></p>

## A.11 LOUISIANA

The Louisiana Department of Natural Resources, Office of Conservation, Pipeline Division is responsible for a comprehensive pipeline safety inspection and enforcement program for both intrastate natural gas and hazardous liquids pipelines. The Pipeline Division regulates the use, end-use, conservation, and transportation facilities for movement of intrastate natural gas; regulates carbon dioxide pipelines and compressed natural gas fueling facilities; and enforces the Coastal Management Division's rules and regulations pertaining to the construction and related activities of pipelines in the Louisiana coastal zone. They are responsible for a comprehensive pipeline safety inspection and enforcement program for both intrastate natural gas and hazardous liquids pipelines. In Louisiana, OPS inspects, regulates, and enforces interstate gas and liquid pipeline safety requirements. Through certification by OPS, the state of Louisiana regulates, inspects, and enforces intrastate gas and liquid pipeline safety requirements. Tables A.11A and A.11B present additional information about regulation and enforcement of gathering lines in the state of Louisiana.

Table A.11A – Louisiana Department of Natural Resources, Office of Conservation, Pipeline Division, Pipeline Operations Program

<b>Louisiana Department of Natural Resources, Office of Conservation Pipeline Division, Pipeline Operations Program</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Louisiana Department of Natural Resources, Office of Conservation, Pipeline Division, Pipeline Operations Program</b></p> <p>The Pipeline Division is responsible for a comprehensive pipeline safety inspection and enforcement program for both intrastate natural gas and hazardous liquids pipelines. The Pipeline Division regulates the use, end-use, conservation, and transportation facilities for movement of intrastate natural gas; regulates carbon dioxide pipelines and compressed natural gas fueling facilities; and enforces the Coastal Management Division's rules and regulations pertaining to the construction and related activities of pipelines in the Louisiana coastal zone. They are responsible for a comprehensive pipeline safety inspection and enforcement program for both intrastate natural gas and hazardous liquids pipelines, and they serve as a clearing house to provide information to users of natural gas regarding the availability of supplies of natural gas.</p> <p>The Pipeline Operations Program regulates the construction, acquisition, abandonment and interconnection of natural gas pipelines, as well as, the transportation and use of natural gas supplies.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate gas and liquid pipeline safety requirements in Louisiana. Through certification by OPS, the state of Louisiana regulates, inspects, and enforces intrastate gas and liquid pipeline safety requirements. This work is performed by the Office of Conservation, Louisiana Department of Natural Resources.</p>
Regulation in Place	<b>Louisiana Administrative Code, Title 43 – Natural Resources</b>
Summary	<b>Louisiana Administrative Code, Title 43 – Natural Resources</b>

**Louisiana Department of Natural Resources, Office of Conservation  
Pipeline Division, Pipeline Operations Program**

Category	Description
	<p><b>Part XI. – Office of Conservation – Pipeline Division, Subpart 1. Natural Gas and Coal</b></p> <p><b>§109. Applications Requiring Public Hearing</b></p> <p>H. Hearings on applications for approval to connect an intrastate natural gas pipeline, gas gathering line or coal slurry pipeline to an interstate natural gas pipeline or coal slurry pipeline filed pursuant to R.S. 30:555.H and 607 and Louisiana Constitution 1974, Article IX, Section 2, shall be held not less than 10 days after notice given in the manner provided in §113. Provided, however, that if the commissioner, in his judgment, determines that an emergency exists, which, in the interest of public health, safety or welfare, requires that said hearing be held on shorter notice, said emergency hearing may be held on any abbreviated notice, but not less than three days following the date of publication of notice of said hearing in the official journal of the state of Louisiana.</p>
Enforcement Authority Yes/No	<p>Yes</p> <p><b>Louisiana Administrative Code, Title 43 – Natural Resources</b></p> <p><b>Part XI. – Office of Conservation – Pipeline Division, Subpart 3. – Pipeline Safety, §505. Inspection, Field Inspection Reports</b></p> <p>A. Officers, employees or agents authorized by the assistant secretary, upon presenting proper credentials, are authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent that such records and properties are relevant to determining compliance of such person with R.S. 30:501 et seq., R.S. 33:4531 et seq., and R.S. 40:1892 et seq., or any rules, regulations or orders issued thereunder.</p> <p>B. Inspection may be conducted pursuant to a routine schedule, a complaint received from a member of the public, information obtained from a previous inspection, report of accident or incident involving facilities, or whenever deemed appropriate by the assistant secretary.</p>
Enforcement Authority	Active

<b>Louisiana Department of Natural Resources, Office of Conservation Pipeline Division, Pipeline Operations Program</b>	
<b>Category</b>	<b>Description</b>
Active/Passive	<p><b>Louisiana Administrative Code, Title 43 – Natural Resources</b></p> <p><b>Part XI. – Office of Conservation – Pipeline Division, Subpart 3. – Pipeline Safety, §505. Inspection, Field Inspection Reports</b></p> <p>E. When information obtained from an inspection indicates that a violation has probably occurred, the inspector shall complete a field inspection report as to the nature of the violation citing the specific provisions which have been violated. Said field inspection report shall be filed with the assistant secretary for review and further action, if appropriate.</p> <p>F. The assistant secretary or his agent, after review of the field inspection report, and depending upon the severity of the violation and the exigency of the situation, may issue to the operator a letter of noncompliance or initiate one or more enforcement proceedings prescribed by §§509-517 hereof.</p>
Link	<p><a href="http://dnr.louisiana.gov/assets/OC/pipe_div/43v09-13_May2012.pdf#page=87">http://dnr.louisiana.gov/assets/OC/pipe_div/43v09-13_May2012.pdf#page=87</a></p> <p><a href="http://dnr.louisiana.gov/index.cfm?md=pagebuilder&amp;tmp=home&amp;pid=54">http://dnr.louisiana.gov/index.cfm?md=pagebuilder&amp;tmp=home&amp;pid=54</a></p>

Table A.11B – Louisiana Department of Natural Resources, Office of Conservation, Pipeline Division, Pipeline Safety Program

<b>Louisiana Department of Natural Resources, Office of Conservation Pipeline Division, Pipeline Safety Program</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Louisiana Department of Natural Resources, Office of Conservation, Pipeline Division, Pipeline Safety Program</b></p> <p>The Pipeline Division is responsible for a comprehensive pipeline safety inspection and enforcement program for both intrastate natural gas and hazardous liquids pipelines. The Pipeline Division regulates the use, end-use, conservation, and transportation facilities for movement of intrastate</p>

<b>Louisiana Department of Natural Resources, Office of Conservation</b>	
<b>Pipeline Division, Pipeline Safety Program</b>	
<b>Category</b>	<b>Description</b>
	<p>natural gas; regulates carbon dioxide pipelines and compressed natural gas fueling facilities; and enforces the Coastal Management Division's rules and regulations pertaining to the construction and related activities of pipelines in the Louisiana coastal zone. They are responsible for a comprehensive pipeline safety inspection and enforcement program for both intrastate natural gas and hazardous liquids pipelines, and they serve as a clearing house to provide information to users of natural gas regarding the availability of supplies of natural gas.</p> <p>The Pipeline Safety Program is responsible for regulating over 400 different intrastate pipeline operators to ensure safety and compliance with the regulations are achieved. Duties consist of pipeline operator inspections, compliance and enforcement, safety programs, accident investigations, and record maintenance and reporting.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate gas and liquid pipeline safety requirements in Louisiana. Through certification by OPS, the state of Louisiana regulates, inspects, and enforces intrastate gas and liquid pipeline safety requirements. This work is performed by the Office of Conservation, Louisiana Department of Natural Resources.</p>
Regulation in Place	<p><b>Louisiana Administrative Code, Title 43 – Natural Resources</b></p> <p><b>Louisiana Administrative Code, Title 33 – Environmental Quality</b></p>
Summary	<p><b>Louisiana Administrative Code, Title 43 – Natural Resources</b></p> <p><b>Part XIII. – Office of Conservation – Pipeline Safety, Subpart 1. – General Provisions, §105 – Incorporated by Reference</b></p> <p>To the extent consistent with this regulation, all persons shall be governed by the provisions of Parts 191, 192, 199 and 40 of Part 49 of the <i>Code of Federal Regulations</i>, sometimes hereinafter referred to as the <i>Federal</i></p>

**Louisiana Department of Natural Resources, Office of Conservation  
Pipeline Division, Pipeline Safety Program**

<b>Category</b>	<b>Description</b>
	<p><i>Code</i>, including all standards or specifications referenced therein, insofar as same are applicable and in effect on the date of this regulation, and by any deletions, additions, revisions, or amendments thereof, made after said date.</p> <p><b>Part XIII. – Office of Conservation – Pipeline Safety, Subpart 1. – General Provisions, §107 – Deviations from the Regulations</b></p> <p>This paragraph states that “There shall be no deviation from Part XIII except after authorization by the commissioner.”</p> <p><b>Part XI. – Office of Conservation – Pipeline Safety, Subpart 2. Underwater Obstructions</b></p> <p><b>§307. Requirements for New Facilities</b></p> <p>A. No person shall commence construction of any facility (other than a field transmission, flow or gathering line located on a state lease or right-of-way) on state waterbottoms after the effective date of regulations unless the assistant secretary has issued a permit authorizing such construction pursuant to R.S. 30:4 and these rules. For purposes of this rule, construction includes any modification of an existing pipeline by the laying of new pipe, other than the replacement of defective pipe by pipe of the same diameter.</p> <p>G. Any field transmission, flow or gathering line on which construction is commenced after the effective date of these regulations shall, if located in waters of a depth of less than 20 feet, be buried and maintained to a minimum depth of 3 feet. This requirement shall not apply to any portion of such line that is connected to a production facility in current use and located within 500 feet of that facility.</p> <p><b>§309. Inspection and Reporting</b></p>

**Louisiana Department of Natural Resources, Office of Conservation**  
**Pipeline Division, Pipeline Safety Program**

Category	Description
	<p>B. The assistant secretary shall require an inspection of a pipeline, field transmission, flow or gathering line or associated structure by a person responsible if, after providing that person with notice and an opportunity to respond, he determines the public interest so requires. That person shall inspect the facility and report to the assistant secretary within 30 days thereafter the nature and location of any portion of the facility above the mudline. The assistant secretary may require a map showing the location of the facility inspected and any parts above the mudline.</p> <p>C. If, after providing the person responsible with notice and an opportunity to respond, the assistant secretary determines the public interest so requires, he shall require the owner or operator of a pipeline, field transmission, flow or gathering line, or associated structure located on a right-of- way or lease upon state water bottoms to inspect that portion of the right-of-way or lease where he reasonably believes associated material is located and causing an obstruction. If so directed, the responsible person shall conduct an inspection and report to the assistant secretary within 30 days thereafter the nature and location of any associated material above the mudline.</p> <p><b>§313. Remedial Action</b></p> <p>A. If information available to the Office of Conservation discloses an obstruction resulting from a facility exposed in violation of §307.E or G, an abandoned facility, or associated material, the assistant secretary may, upon 10 days written notice, order any person responsible for the facility or, where the obstruction is caused by associated material, any person responsible for a facility located on the right-of-way or lease where the obstruction occurs, to show cause, taking into account all relevant issues, why said person should not be required to take appropriate remedial action, as determined by the assistant secretary.</p> <p>B. For purposes of this rule, <i>appropriate remedial action</i> includes:</p>

**Louisiana Department of Natural Resources, Office of Conservation**  
**Pipeline Division, Pipeline Safety Program**

Category	Description
	<p>2. reburial of a field transmission, flow or gathering line as required by §307.G to its original depth;</p> <p>3. removal of an abandoned facility (other than a field transmission, flow or gathering line situated on a state lease or right-of-way) except where it is demonstrated that the facility is in water depths greater than 20 feet;</p> <p><b>Louisiana Administrative Code, Title 33 – Environmental Quality</b></p> <p><b>Part V – Hazardous Waste and Hazardous Materials, Subpart 1 – Department of Environmental Quality – Hazardous Waste, Subpart 3 – Natural Resources, Chapter 301 – Transportation of Hazardous Liquids by Pipeline [49 CFR 195], Subchapter A – General [Subpart A]</b></p> <p>This Subpart prescribes safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide. [49 CFR 195.0]</p>
Enforcement Authority Yes/No	<p>Yes</p> <p><b>Louisiana Administrative Code, Title 43 – Natural Resources</b></p> <p><b>Part XI. – Office of Conservation – Pipeline Division, Subpart 3. – Pipeline Safety, §505. Inspection, Field Inspection Reports</b></p> <p>A. Officers, employees or agents authorized by the assistant secretary, upon presenting proper credentials, are authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent that such records and properties are relevant to determining compliance of such person with R.S. 30:501 et seq., R.S. 33:4531 et seq., and R.S. 40:1892 et seq., or any rules, regulations or orders issued thereunder.</p> <p>B. Inspection may be conducted pursuant to a routine schedule, a complaint received from a member of the public, information obtained from a</p>



<b>Louisiana Department of Natural Resources, Office of Conservation Pipeline Division, Pipeline Safety Program</b>	
<b>Category</b>	<b>Description</b>
	previous inspection, report of accident or incident involving facilities, or whenever deemed appropriate by the assistant secretary.
Enforcement Authority Active/Passive	<p>Active</p> <p><b>Louisiana Administrative Code, Title 43 – Natural Resources</b></p> <p><b>Part XI. – Office of Conservation – Pipeline Division, Subpart 3. – Pipeline Safety, §505. Inspection, Field Inspection Reports</b></p> <p>E. When information obtained from an inspection indicates that a violation has probably occurred, the inspector shall complete a field inspection report as to the nature of the violation citing the specific provisions which have been violated. Said field inspection report shall be filed with the assistant secretary for review and further action, if appropriate.</p> <p>F. The assistant secretary or his agent, after review of the field inspection report, and depending upon the severity of the violation and the exigency of the situation, may issue to the operator a letter of noncompliance or initiate one or more enforcement proceedings prescribed by §§509-517 hereof.</p>
Link	<p><a href="http://dnr.louisiana.gov/assets/OC/pipe_div/43v09-13_May2012.pdf#page=87">http://dnr.louisiana.gov/assets/OC/pipe_div/43v09-13_May2012.pdf#page=87</a></p> <p><a href="http://dnr.louisiana.gov/assets/docs/conservation/documents/HazardousLiquidRegulations.pdf">http://dnr.louisiana.gov/assets/docs/conservation/documents/HazardousLiquidRegulations.pdf</a></p> <p><a href="http://dnr.louisiana.gov/assets/OC/pipe_div/33v05_May2012.pdf">http://dnr.louisiana.gov/assets/OC/pipe_div/33v05_May2012.pdf</a></p> <p><a href="http://dnr.louisiana.gov/index.cfm?md=pagebuilder&amp;tmp=home&amp;pid=54">http://dnr.louisiana.gov/index.cfm?md=pagebuilder&amp;tmp=home&amp;pid=54</a></p>

## A.12 MARYLAND

In Maryland, OPS regulates and inspects hazardous liquid and gas interstate operators. Through certification by OPS, the state of Maryland regulates and inspects the operators having intrastate gas and liquid pipelines. This work is performed by the Pipeline Safety Division of the Maryland Public Service Commission. The Department of the Environment protects and restores the quality of Maryland's air, land, and water resources, while fostering economic development, healthy and safe communities, and quality. However, the Department of the

Environment does not regulate gathering lines. Tables A.12A and A.12B present additional information about regulation and enforcement of gathering lines in the state of Maryland.

Table A.12A – Maryland Department of the Environment

<b>Maryland Department of the Environment</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Department of the Environment</b></p> <p>The Department of the Environment protects and restores the quality of Maryland's air, land, and water resources, while fostering economic development, healthy and safe communities, and quality.</p>
Regulation in Place	<p><b>Code of Maryland Regulations (COMAR)</b></p> <p><b>Title 26 Department of The Environment</b></p> <p>Subtitle 19 Oil And Gas Resources, Chapter 01 Oil and Gas Exploration and Production Authority</p>
Summary	<p><b>Title 26, Subtitle 19 Oil And Gas Resources, Chapter 01 Oil and Gas Exploration and Production Authority</b></p> <p>This regulation does not include requirements for gathering lines.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Passive
Link	<a href="http://www.dsd.state.md.us/comar/subtitle_chapters/26_Chapters.aspx">http://www.dsd.state.md.us/comar/subtitle_chapters/26_Chapters.aspx</a>

Table A.12B – Public Service Commission of Maryland

<b>Public Service Commission of Maryland</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>Public Service Commission</b>

<b>Public Service Commission of Maryland</b>	
<b>Category</b>	<b>Description</b>
	<p>The Maryland Public Service Commission (Commission) has adopted the applicable Federal safety standards established under the Federal Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. App. 1671, et. seq. The Commission has established the required inspection, documentation, and enforcement program outlined under Section 5 of the Act.</p> <p>The Public Service Commission of Maryland, under 49 U.S.C. 60105 Certification, assumes safety responsibility with respect to intrastate gas facilities. Under the Public Utility Companies Article, Annotated Code of Maryland, Sections 2-113, 2-117(a), 2-121, 5-101, 11-102, 12-101 through 113, and 13-203, the Public Service Commission has statutory authority to establish and enforce safety standards for intrastate gas facilities.</p> <p>The Public Service Commission of Maryland, under 49 U.S.C. 60105 Certification, assumes safety responsibility with respect to intrastate hazardous liquid pipelines. Under the Public Utility Companies Article, Annotated Code of Maryland, Title 11, Subtitle 2, the Public Service Commission has statutory authority to establish and enforce safety standards for intrastate hazardous liquid pipelines.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates and inspects hazardous liquid and gas interstate operators in Maryland.</p> <p>Through certification by OPS, the state of Maryland regulates and inspects the operators having intrastate gas and liquid pipelines. This work is performed by the Pipeline Safety Division of the Maryland Public Service Commission.</p>
Regulation in Place	<p><b>Code of Maryland Regulations (COMAR)</b></p> <p><b>Title 20 Public Service Commission</b></p>

<b>Public Service Commission of Maryland</b>	
<b>Category</b>	<b>Description</b>
	Subtitle 57 Pipeline Safety Enforcement Subtitle 58 Safety Standards for Hazardous Liquid Pipelines
Summary	<p><b>Title 20, Subtitle 57 Pipeline Safety Enforcement</b></p> <p>The regulations in this subtitle provide the enforcement authority and penalties which are available to the Maryland Public Service Commission for achieving and maintaining pipeline safety.</p> <p><b>Title 20, Subtitle 58 Safety Standards for Hazardous Liquid Pipelines</b></p> <p>This subtitle applies to any intrastate hazardous liquid pipeline located in Maryland and to an operator of these pipeline facilities. In this subtitle, the following documents are incorporated by reference: A. 49 CFR Part 195, Transportation of Hazardous Liquids by Pipeline, as amended; and. B. 49 CFR Part 199, Drug and Alcohol Testing, as amended.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p>The Public Service Commission has the authority to require the maintenance and filing of reports, records and other prescribed information; to enter upon and inspect, at reasonable times and in a reasonable manner, the pipeline facilities and the pipeline procedures of those involved with them, books, records, papers and other documents relevant to determining compliance with the regulations.</p> <p>Whenever the Commission finds a particular facility to be hazardous to life or property, it is empowered to require the person operating such facility to take those steps necessary to remove such hazards.</p> <p>The Commission's plan for conducting its inspections includes:</p> <ol style="list-style-type: none"> <li>1. A consideration for conducting a periodic inspection of every operator.</li> </ol>

<b>Public Service Commission of Maryland</b>	
<b>Category</b>	<b>Description</b>
	<p>2. A format that provides for a methodical, systemic and comprehensive inspection of facilities, records and procedures.</p> <p>3. A procedure to document the results of each inspection.</p> <p>4. A procedure, in the event of non-compliance, of notification and follow-up to ensure that timely corrective action has been taken.</p> <p>An evaluation of an operator’s facilities, procedures and records will be made with inspection guidelines based upon checklists referenced to the Federal and State Safety Regulations.</p> <p>The inspections will include a review of the operator’s records and procedures concerning training, operation, maintenance, emergency plans, operator qualification (OQ), integrity management (IMP), public awareness program (PAP) and their anti-drug and alcohol plan. OQ, IMP and PAP inspections will utilize federal protocols available on PHMSA’s website (<a href="http://www.ops.dot.gov/library/forms/form.htm">www.ops.dot.gov/library/forms/form.htm</a>) and upon completion of the OQ, IMP and PAP inspections, the results will be entered in their respective databases in a timely manner. The Commission intends on reviewing the Operator’s public awareness programs and review their methodology for effectiveness of those programs. Field inspection of the operator’s facilities and activities will involve the installation and testing of pipeline facilities, and will specifically include corrosion control, pressure regulation station maintenance, leak survey and leak repair. The Commission may decide to conduct specialized inspections, as needed. Specialized inspections may be operator specific or issue specific.</p> <p>The Commission’s inspection program will be a “Risk Based Inspection Program”. Prior to the next calendar year the Engineering Division will conduct a review of the following items:</p> <ul style="list-style-type: none"> <li>• The Warning Letters that have been issued,</li> <li>• The Notice of Probable Violations that have been issued,</li> <li>• The Incident Investigations for that year,</li> <li>• Major pipeline events that have occurred in the United States that year,</li> <li>• Any significant changes by the operators, and</li> <li>• Any other issues that are deemed prudent.</li> </ul> <p>The Commission’s risk based inspection process considers various risk factors:</p> <ul style="list-style-type: none"> <li>• Miles of pipe in High Consequence Areas (HCA’s), geographic areas and population density,</li> </ul>

<b>Public Service Commission of Maryland</b>	
<b>Category</b>	<b>Description</b>
	<ul style="list-style-type: none"> <li>• Length of time between inspections,</li> <li>• Operator History, and</li> <li>• Threats that may exist on the various pipelines.</li> </ul> <p>The above items will be examined for frequency, in which they are occurring, the causes as to why they are occurring and the commonality with which they are occurring amongst the operators. The Engineering Division will then use the information gained from its review to adjust the inspection schedule accordingly to address the results of its review.</p> <p>Maryland’s natural gas companies, propane operators, landfill gas operator, and master meter operators are inspected according to the schedule in Appendix A. Inspections may also be initiated as a result of an incident or public complaint. After enforcement actions have been initiated, follow-up inspections are conducted as necessary to confirm that corrective actions have been completed.</p> <p>The Commission may issue a NOPV upon finding good cause to believe a violation of the state or federal pipeline safety regulations has occurred. The NOPV may contain a proposed compliance order. An operator must respond within 30 (thirty) days after receipt of a NOPV. The Commission may grant a waiver to this requirement upon receiving a written request from an operator demonstrating sufficient cause.</p>
Link	<p><a href="http://webapp.psc.state.md.us/intranet/SiteSearch/Gas/Descrip.of%20Natural%20Gas%20Pipeline%20Safety%20Program%20rev.%203-12.doc">http://webapp.psc.state.md.us/intranet/SiteSearch/Gas/Descrip.of%20Natural%20Gas%20Pipeline%20Safety%20Program%20rev.%203-12.doc</a></p> <p><a href="http://www.dsd.state.md.us/comar/subtitle_chapters/20_Chapters.aspx">http://www.dsd.state.md.us/comar/subtitle_chapters/20_Chapters.aspx</a></p>

**A.13 MICHIGAN**

The Michigan Public Service Commission approves construction of new petroleum pipelines that are built and maintained in accordance with the minimum Federal pipeline safety standards. In Michigan, OPS regulates, inspects, and enforces both intrastate and interstate liquid pipeline safety requirements and regulates and enforces interstate gas pipeline safety requirements. Through certification by OPS, the state of Michigan regulates, inspects, and enforces intrastate gas pipeline safety requirements. By signed agreement with OPS, Michigan inspects interstate gas pipelines. Table A.13 presents additional information about regulation and enforcement of gathering lines in the state of Michigan.

Table A.13 – Michigan Public Service Commission, Department of Licensing and Regulatory Affairs, Gas and Safety Office

<b>Michigan Public Service Commission, Department of Licensing and Regulatory Affairs, Gas and Safety Office</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Michigan Public Service Commission, Department of Licensing and Regulatory Affairs, Gas Safety Office</b></p> <p>The mission of the Michigan Public Service Commission is to grow Michigan's economy and enhance the quality of life of its communities by assuring safe and reliable energy, telecommunications, and transportation services at reasonable rates.</p> <p>The Michigan Public Service Commission approves construction of new petroleum pipelines in Michigan under Act 16 of 1929. They are built and maintained in accordance with the Minimum Federal Safety Standards which are promulgated and enforced by the Office of Pipeline Safety within the US Department of Transportation.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates, inspects and enforces both intrastate and interstate liquid pipeline safety requirements in Michigan. OPS also regulates and enforces interstate gas pipeline safety requirements in Michigan. Through certification by OPS, the state of Michigan regulates, inspects, and enforces intrastate gas pipeline safety requirements. By signed agreement with OPS, Michigan inspects interstate gas pipeline safety requirements.</p>
Regulation in Place	<p><b>Department Of Energy, Labor, And Economic Growth , Public Service Commission, Gas Safety, Michigan Administrative Code R 460.20101 - 460.20606</b></p> <p><b>Natural Gas, Act 9 of 1929</b></p> <p><b>Crude Oil and Petroleum, Act 16 of 1929</b></p> <p><b>Gas Safety Standards, Act 165 of 1969</b></p>

**Michigan Public Service Commission, Department of Licensing and  
Regulatory Affairs, Gas and Safety Office**

<b>Category</b>	<b>Description</b>
Summary	<p><b>Department Of Energy, Labor, And Economic Growth , Public Service Commission, Gas Safety, Michigan Administrative Code R 460.20101 - 460.20606</b></p> <p><b>Part 1. General Provisions</b></p> <p>R 460.20101 Applicability of rules.            Rule 101. (1) These rules apply to the design, fabrication, installation, inspection, testing, and safety aspects of the operation and maintenance of gas pipeline facilities used in the transportation of gas.            (2) These rules do not apply to either of the following:            (a) The onshore gathering of gas under either of the following conditions:            (i) Through a pipeline that operates at less than 0 psig.            (ii) Through a pipeline that is not a regulated onshore gathering line as determined by 49 C.F.R. § 192.8.            (b) Any pipeline system that transports only petroleum gas or petroleum gas and air mixtures under either of the following circumstances:            (i) The pipeline has fewer than 10 customers and no portion of the system is located in a public place.            (ii) The pipeline has only 1 customer and the system is located entirely on the customer's premises.            (3) The work performed within the scope of these rules shall meet or exceed all of the safety standards in these rules.</p> <p><b>PART 2. Safety Standards and Testing Requirements</b></p> <p>R 460.20201 Pipeline safety standards; adoption by reference.            Rule 201. (1) Except for 49 C.F.R. §192.1, an operator shall ensure that a gas pipeline is in compliance with all of the minimum safety standards contained in 49 C.F.R. part 192 entitled "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards," which are adopted by reference in R 460.20606.            (2) An operator shall ensure that a pipeline which is subject to the standards specified in subrule (1) of this rule is also in compliance with all of the additional safety standards contained in R 460.20301 to R 460.20331.            (3) In addition to the requirements imposed by subrules (1) and (2) of this rule, an operator shall ensure that a pipeline which transports sour gas is also in compliance with the additional safety standards contained in R 460.20401 to R 460.20431.</p>



**Michigan Public Service Commission, Department of Licensing and  
Regulatory Affairs, Gas and Safety Office**

<b>Category</b>	<b>Description</b>
	<p><b>Natural Gas, Act 9 of 1929</b></p> <p>This act regulates corporations, associations or persons engaged in the business of carrying and transporting natural gas through pipe lines and to regulate the production, purchase and sale of natural gas; to provide for the control and regulation of such corporations, associations and persons by the Michigan public utilities commission; to define the powers and duties of the commission relative thereto; to prescribe penalties for the violations of the provisions hereof; and to repeal Act No. 29 of the Public Acts of 1889.</p> <p><b>Crude Oil and Petroleum, Act 16 of 1929</b></p> <p>This ACT regulates the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof.</p> <p><b>Gas Safety Standards, Act 165 of 1969</b></p> <p>This act authorizes the public service commission to establish and enforce gas safety standards; and to provide penalties for violations thereof.</p> <p><b>483.151 Definitions.</b></p> <p>(e) "Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or the storage of gas. Transportation of gas does not include the gathering of gas in rural locations that lie outside the limits of an incorporated or unincorporated city, town, village, or other designated residential or commercial area such as a subdivision, business or shopping center, community development, or similar populated area that the commission may define as a nonrural area. Transportation of gas includes gathering lines located in or occupying the property of schools, hospitals, churches, parks, or similar public places.</p>
Enforcement Authority	Yes

<b>Michigan Public Service Commission, Department of Licensing and Regulatory Affairs, Gas and Safety Office</b>	
<b>Category</b>	<b>Description</b>
Yes/No	
Enforcement Authority Active/Passive	<p>Active</p> <p><b>Gas Safety Standards, Act 165 of 1969</b></p> <p><b>483.156 Inspection and investigation; reports of noncompliance; right of entry.</b></p> <p>The commission may conduct such inspection and investigation as may be necessary to aid in the enforcement of the provisions of this act and the standards established pursuant to this act. The commission shall furnish the attorney general any information obtained indicating noncompliance with the standards for appropriate action. For purposes of the enforcement of this act, officers, employees or agents authorized by the commission, upon presenting appropriate credentials to the person in charge of the pipeline facilities, may enter and inspect pipeline facilities at reasonable times and in a reasonable manner and with reasonable promptness.</p>
Link	<p><a href="http://www.michigan.gov/mpsc/0,4639,7-159-16400---,00.html">http://www.michigan.gov/mpsc/0,4639,7-159-16400---,00.html</a></p> <p><a href="http://www7.dleg.state.mi.us/orr/Files/AdminCode/108_17_AdminCode.pdf">http://www7.dleg.state.mi.us/orr/Files/AdminCode/108_17_AdminCode.pdf</a></p> <p><a href="http://www.legislature.mi.gov/(S(iyzsq55wmpaiq45w3xh1jyg))/mileg.aspx?page=getobject&amp;objectname=mcl-act-16-of-1929&amp;highlight=">http://www.legislature.mi.gov/(S(iyzsq55wmpaiq45w3xh1jyg))/mileg.aspx?page=getobject&amp;objectname=mcl-act-16-of-1929&amp;highlight=</a></p> <p><a href="http://www.dleg.state.mi.us/mpsc/gas/download/ssguide.pdf">http://www.dleg.state.mi.us/mpsc/gas/download/ssguide.pdf</a></p> <p><a href="http://www.legislature.mi.gov/(S(cbaj4pyvbetmp5faqhb2quz3))/mileg.aspx?page=getObject&amp;objectName=mcl-Act-165-of-1969">http://www.legislature.mi.gov/(S(cbaj4pyvbetmp5faqhb2quz3))/mileg.aspx?page=getObject&amp;objectName=mcl-Act-165-of-1969</a></p>

#### **A.14 MISSISSIPPI**

The Mississippi Public Service Commission - Pipeline Safety Division is responsible for safety compliance inspections and enforcing state and federal pipeline safety regulations for intrastate natural gas pipeline facilities. The mission of the Pipeline Safety Division is to protect the public and environment from the accidental release of natural gas with a compliance program that promotes educational standards for the industry and contributes to the health and security of

Mississippi. In Mississippi, OPS inspects, regulates, and enforces interstate natural gas and hazardous liquid pipeline safety requirements. Through certification by OPS, the state of Mississippi regulates, inspects, and enforces intrastate natural gas and hazardous liquid pipeline safety requirements. The Mississippi State Oil and Gas Board promulgates and enforces rules to regulate and promote oil and gas drilling, production, and storage so as to protect the coequal and correlative rights of all owners of interests. These rules cover operations that involve producing hydrocarbons bearing H<sub>2</sub>S into a pipeline or gathering system. Tables A.14A and A.14B present additional information about regulation and enforcement of gathering lines in the state of Mississippi.

Table A.14A – Mississippi Oil and Gas Board

<b>Mississippi Oil and Gas Board</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Mississippi Oil and Gas Board</b></p> <p>The Program Objective of the State Oil and Gas Board is to promulgate and enforce rules to regulate and promote oil and gas drilling, production and storage so as to protect the coequal and correlative rights of all owners of interests; and to promulgate and enforce rules to regulate the disposal of nonhazardous oil field waste in an environmentally safe manner consistent with federal and state regulations.</p>
Regulation in Place	<p><b>Title 26: Oil and Gas, Part 2: Statewide Rules and Regulations (Order No. 201-51), Part 2 Chapter 1</b></p> <p><b>Title 26: Oil &amp; Gas, Part 3: Rules and Regulations Governing Oil and Gas Drilling, Producing and Pipeline Operations in Submerged Offshore Land of the State of Mississippi, Part 3 Chapter 1</b></p>
Summary	<p><b>Title 26: Oil and Gas, Part 2: Statewide Rules and Regulations (Order No. 201-51), Part 2 Chapter 1</b></p> <p><b>RULE 1.66 OPERATIONS INVOLVING HYDROGEN SULFIDE.</b> Preventative measures shall be taken to control the effects of hydrogen sulfide (H<sub>2</sub>S) at all operations where H<sub>2</sub>S concentrations in the gas stream are equal to 100 ppm or more. Such operations shall include, but may not be limited to drilling, working over, testing, producing, gathering, metering, processing, storing, transporting, and injecting.</p> <p>(5) Warning Systems.              (b) Monitors and Alarms.                  2. As approved by the Supervisor, the operator of each gathering</p>

**Mississippi Oil and Gas Board**

<b>Category</b>	<b>Description</b>
	<p>system, production well, and injection well shall install and maintain in operable condition safety devices to include automatic shut-down devices designed to prevent the undetected continuing escape of hydrogen sulfide.</p> <p>(8) Contingency Plan.            (a) Operations that handle gas containing 100 ppm H<sub>2</sub>S or more in the gas stream must formulate a contingency plan unless exempted under Paragraph (10). Unless otherwise approved, a contingency plan should be filed (in triplicate) with the Supervisor within 30 days of the approval of the drilling permit application.</p> <p>The contingency plan must be approved by the Supervisor prior to commencing the following operations;            4. Producing hydrocarbons bearing H<sub>2</sub>S into a pipeline or gathering system;</p> <p><b>RULE 1.67 UNDERGROUND RESERVOIRS.</b></p> <p><b>1. Definitions</b>            As used herein, unless the context clearly indicates otherwise:            G. "Gathering Line" or "Flowline" shall mean the line between the last positive shut-off valve at the wellhead to the pipeline or header where two or more such lines converge;            H. "State Oil and Gas Board" or "Board" shall mean the State Oil and Gas Board of Mississippi;            I. "Supervisor" shall mean the duly appointed State Oil and Gas Supervisor;</p> <p><b>7. Wellhead and Flowlines</b>            A. All wellhead components (casing head, tubing head, etc.) valves and fittings shall be of steel having primary service pressure ratings sufficient to exceed the maximum operating pressures computed at the wellhead. Wellhead, valves and all related connections shall have a test pressure rating at least equivalent to 150% of the maximum operating pressure. All valves shall be periodically inspected and maintained in good working order.            B. Each flowline connected to the wellhead shall be equipped with a manually operated positive shut-off valve located on the wellhead.            C. Each flowline or gathering line shall be constructed in conformance with the provisions of CFR Title 49, part 192 - Transportation of Natural and Other Gas by Pipeline.</p>

**Mississippi Oil and Gas Board**

<b>Category</b>	<b>Description</b>
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**Title 26: Oil & Gas, Part 3: Rules and Regulations Governing Oil and Gas Drilling, Producing and Pipeline Operations in Submerged Offshore Land of the State of Mississippi, Part 3 Chapter 1**

**RULE OS-1.10 Approval Procedure for Oil and Gas Pipelines.** The Supervisor shall approve a plan for installation of all pipelines for which a right of use or easement has been granted by the State, or permitted under the provisions of any lease, in or over submerged offshore lands. The operator shall comply with the following requirements:

1. General Design  
All pipelines shall be designed and maintained in accordance with the following:

A. The operator shall be responsible for the installation of the following control devices on all oil and gas pipelines connected to a platform, including pipelines which are not operated or owned by the operator. The operator shall submit records to the Supervisor semi-annually showing the present status and past history of each device, including dates and details of inspection, testing, repairing, adjustment and re-installation:

- (1) All oil and gas pipelines leaving a platform receiving production from the platform shall be equipped with a high-low pressure sensor to directly or indirectly shut-in the wells on the platform.
- (2) (a) All oil and gas pipelines delivering production to production facilities on a platform shall be equipped with an automatic shut-in valve connected to the platform's automatic and remote shut-in system.
- (b) All oil and gas pipelines coming onto a platform shall be equipped with a check valve to avoid backflow.
- (c) Any oil or gas pipelines crossing a platform which do not deliver production to the platform, but which may or may not receive production from the platform, shall be equipped with high- low pressure sensors to activate an automatic shut-in valve to be located in the upstream portion of the pipeline at the platform. This automatic shut-in valve shall be connected to either the platform automatic and remote shut-in system or to an independent remote shut- in system.
- (d) All pipeline pumps shall be equipped with high-low pressure shut-in devices.

B. All pipelines shall be protected from loss of metal by corrosion that would endanger the strength and safety of the lines either by providing

<b>Mississippi Oil and Gas Board</b>	
<b>Category</b>	<b>Description</b>
	<p>extra metal for corrosion allowance, or by some means of preventing loss of metal such as protective coatings or cathodic protection.</p> <p>C. All pipelines shall be installed and maintained to be compatible with trawling operations and other uses.</p> <p>D. All pipelines shall be hydrostatically tested to one and twenty-five one-hundredths (1.25) times the designed working pressure for a minimum of two (2) hours prior to placing the line in service.</p> <p>E. All pipelines shall be maintained in good operating condition at all times and inspected monthly for indication of leakage using aircraft, floating equipment or other methods. Records of these inspections including the date, methods and results of each inspection shall be maintained by the pipeline operator and submitted annually by April 1. The pipeline operator shall submit records indicating the cause, effect and remedial action taken regarding all pipeline leaks within one (1) week following each such occurrence.</p> <p>F. All pipelines shall be designed to be protected against water currents, storm scouring, soft bottoms and other environmental factors.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Passive
Link	<p><a href="http://www.ogb.state.ms.us/docs/RuleBook20090403.pdf">http://www.ogb.state.ms.us/docs/RuleBook20090403.pdf</a></p> <p><a href="http://www.ogb.state.ms.us/default.htm">http://www.ogb.state.ms.us/default.htm</a></p> <p><a href="http://www.sos.ms.gov/ACCode/00000100c.pdf">http://www.sos.ms.gov/ACCode/00000100c.pdf</a></p> <p><a href="http://www.sos.ms.gov/ACCode/00000101c.pdf">http://www.sos.ms.gov/ACCode/00000101c.pdf</a></p>

Table A.14B – Mississippi Public Service Commission

<b>Mississippi Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Mississippi Public Service Commission, Pipeline Safety Division</b></p> <p>The Mississippi Public Service Commission – Pipeline Safety Division is</p>

<b>Mississippi Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>certified through Agreement 60105 with the United States Department of Transportation - Pipeline and Hazardous Materials Safety Administration (PHMSA) as having adopted the minimum federal regulations pursuant to the Natural Gas Pipeline Safety Act of 1968. The Mississippi Public Service Commission - Pipeline Safety Division is responsible for safety compliance inspections and enforcing state and federal pipeline safety regulations for intrastate natural gas pipeline facilities. The mission of the Pipeline Safety Division is to protect the public and environment from the accidental release of natural gas with a compliance program that promotes educational standards for the industry and contributes to the health and security of Mississippi.</p> <p>The Pipeline Safety Division conducts various safety inspections (including but not limited to operator qualification, operation, maintenance, construction, accident investigations and drug and alcohol inspections) of intrastate natural gas private distribution systems, municipal gas distribution systems, master meter gas systems, transmission systems and jurisdictional gathering lines operating in Mississippi to ensure compliance with Pipeline Safety Regulations. These inspections help reduce the risks associated with the transportation of natural gas by pipeline.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate natural gas and hazardous liquid pipeline safety requirements in Mississippi. Through certification by OPS, the state of Mississippi regulates, inspects, and enforces intrastate natural gas and hazardous liquid pipeline safety requirements.</p>
Regulation in Place	<b>2010 Mississippi Code, TITLE 77 - Public Utilities and Carriers, Chapter 11 - Gas Pipelines and Distribution Systems</b>
Summary	<p><b>2010 Mississippi Code, TITLE 77 - Public Utilities and Carriers, Chapter 11 - Gas Pipelines and Distribution Systems</b></p> <p><b>Section 77-11-311. Jurisdiction to enforce pipeline safety standards;</b></p>

<b>Mississippi Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
	<p><b>natural gas or electric power public utility not exempt from regulation.</b></p> <p>The commission shall have jurisdiction over an intrastate gas pipeline for the enforcement of natural gas pipeline safety standards, provided that nothing in this article shall be construed to exempt any natural gas or electric power public utility from regulation by the Public Service Commission as set out in Section 77-3-35, Mississippi Code of 1972.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>2010 Mississippi Code, TITLE 77 - Public Utilities and Carriers, Chapter 11 - Gas Pipelines and Distribution Systems</b></p> <p><b>Section 77-11-101. Commission shall provide for standards of safety and inspection of gas districts, municipal gas systems, and certain pipelines.</b></p> <p>The Mississippi Public Service Commission is hereby vested with authority to provide for standards of safety and inspection of gas districts, or municipally owned and/or operated transmission or distribution of natural, artificial, or mixed natural and artificial gas, by means of transportation, transmission or distribution facilities and equipment municipally owned and/or operated by said municipality or gas district. To the maximum extent permissible under the Natural Gas Pipeline Safety Act of 1968, the commission is also hereby vested with authority to provide for standards of safety and inspection of facilities owned and/or operated as private pipelines, private pipeline carriers or private pipeline carriers by contract which are not engaged in the transmission, sale, sale for resale or distribution of gas to the public for compensation and which are not therefore subject to the general jurisdiction of the commission as public utilities, which said facilities are used for the intrastate transmission or distribution of natural, artificial and mixed natural and artificial gas by means of intrastate transportation, transmission or distribution facilities or equipment owned and/or operated by any such pipeline.</p>



<b>Mississippi Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
Link	<a href="http://www.mpus.ms.gov/">http://www.mpus.ms.gov/</a> <a href="http://www.psc.state.ms.us/pipeline/pipeline.html">http://www.psc.state.ms.us/pipeline/pipeline.html</a> <a href="http://www.mscode.com/free/statutes/77/011/index.htm">http://www.mscode.com/free/statutes/77/011/index.htm</a>

## **A.15 MONTANA**

In Montana, OPS inspects, regulates, and enforces interstate gas pipeline safety requirements and inspects, regulates and enforces both intrastate and interstate liquid pipeline safety requirements. Through certification by OPS, the state of Montana regulates, inspects, and enforces intrastate gas pipeline safety requirements. The Gas Pipeline Safety Division of the Montana Public Utilities Commission performs this work. Oil and Gas statutes for the Department of Natural Resources and Conservation, Montana Board of Oil & Gas Conservation do not include rules for gathering lines. Tables A.15A and A.15B present additional information about regulation and enforcement of gathering lines in the state of Montana.

Table A.15A – Department of Natural Resources and Conservation, Montana Board of Oil and Gas Conservation

<b>Department of Natural Resources and Conservation</b>	
<b>Montana Board of Oil and Gas Conservation</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Department of Natural Resources and Conservation, Montana Board of Oil &amp; Gas Conservation</b></p> <p>The board consists of seven members, three of whom shall be from the oil &amp; gas industry and have had at least 3 years' experience in the production of oil and gas, and two of whom shall be landowners residing in oil- or gas-producing counties of the state but not actively associated with the oil &amp; gas industry, but one of the two landowners shall be one who owns the mineral rights with the surface and the other shall be one who does not own the mineral rights. The Board's General Rules and Regulations are contained in title 36, Chapter 22 of the Administrative Rules of Montana. The Secretary of State maintains the Administrative Rules. The Oil and Gas statutes are included in Title 82, Chapter 11</p>

<b>Department of Natural Resources and Conservation Montana Board of Oil and Gas Conservation</b>	
Regulation in Place	<b>Title 82. Minerals, Oil, and Gas</b>
Summary	The rules in Title 82. Minerals, Oil, and Gas do not apply to gathering lines.
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<a href="http://data.opi.mt.gov/bills/mca_toc/82.htm">http://data.opi.mt.gov/bills/mca_toc/82.htm</a>

Table A.15B – Montana Public Service Commission

<b>Montana Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>Montana Public Service Commission</b>  The Montana Public Service Commission oversees natural gas pipeline safety regulations.
Regulation in Place	<b>Administrative Rules of Montana, Department 38 Public Service Regulation, 38.5 Utility Division, 38.5.22: Pipeline Safety</b>
Summary	<b>38.5.2202 Incorporation by Reference of Federal Pipeline Safety Regulations</b>  (1) The commission adopts and incorporates by reference the U.S. Department of Transportation (DOT) Pipeline Safety Regulations, Code of Federal Regulations (CFR), Title 49, chapter 1, subchapter D, parts 191, 192, and 193, including all revisions and amendments enacted by DOT on or before September 30, 2011.  <b>38.5.2204 Inspections, Investigations, and Reporting</b>

<b>Montana Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>(1) The commission, its employees, or authorized agents, have the power to investigate all methods and practices of pipeline owners and operators; to require the maintenance and filing of reports, records and other information in the form and detail as the commission may prescribe; to enter upon and to inspect the property, buildings, plants, and offices of pipeline owners and operators; and to inspect books, records, papers and documents relevant to enforcement responsibilities under the NGPSA.</p> <p>(2) The commission, a staff member thereof, or some person appointed by it, may investigate and make inquiry into every incident occurring in the operation of any intrastate gas pipeline located in this state. The commission, in its discretion, may also investigate any other accident or event involving the operation of a pipeline.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>Administrative Rules of Montana, Department 38 Public Service Regulation, 38.5 Utility Division, 38.5.22: Pipeline Safety</b></p> <p><b>38.5.2201 Statement of General Policy</b></p> <p>(1) The commission is empowered to enforce the safety regulations and provisions adopted under the Natural Gas Pipeline Safety Act of 1968 (NGPSA), as well as any amendments thereto. The rules of this subchapter 22 (Subchapter 22 Pipeline Safety) as well as the rules in subchapter 23 (Subchapter 23 Pipeline Safety - Drug Testing) adopt regulations and provisions by reference where deemed necessary, identify the exceptions and qualifications applicable in Montana where deemed necessary, and describe the procedures and enforcement authority exercised by the commission for achieving and maintaining pipeline safety.</p>
Link	<a href="http://psc.mt.gov/pipeline/">http://psc.mt.gov/pipeline/</a>

<b>Montana Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
	<a href="http://www.mtrules.org/gateway/Subchapterhome.asp?scn=38.5.22">http://www.mtrules.org/gateway/Subchapterhome.asp?scn=38.5.22</a> <a href="http://www.mtrules.org/gateway/ChapterHome.asp?Chapter=36.22">http://www.mtrules.org/gateway/ChapterHome.asp?Chapter=36.22</a>

## **A.16 NEBRASKA**

In Nebraska, OPS regulates, inspects, and enforces interstate gas pipeline safety requirements and regulates, inspects, and enforces both intrastate and interstate liquid pipeline safety requirements. Through certification by OPS, the state of Nebraska regulates, inspects, and enforces intrastate gas pipeline safety requirements. This work is performed by the Deputy State Fire Marshals of the Fuels Division in the Nebraska State Fire Marshals Office. The Nebraska Oil and Gas Conservation Commission promotes the development, production, and utilization of the natural resources of oil and gas in Nebraska. Title 267 – Nebraska Oil and Gas Conservation Commission, Oil and Gas Code and Title 291 – Nebraska Public Service Commission, Chapter 9 - Natural Gas and Pipeline Rules and Regulations do not include rules for gathering lines. Tables A.16A and A.16B present additional information about regulation and enforcement of gathering lines in the state of Nebraska.

Table A.16A – Nebraska Oil & Gas Conservation Commission

<b>Nebraska Oil &amp; Gas Conservation Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Nebraska Oil &amp; Gas Conservation Commission</b></p> <p>The Nebraska Oil and Gas Conservation Commission (NOGCC), promotes the development, production, and utilization of the natural resources of oil and gas in Nebraska. The main functions of the commission include preventing waste, protecting correlative rights of all owners, and encouraging and authorizing secondary recovery, pressure maintenance, cycling, or recycling.</p>
Regulation in Place	<p><b>Title 267 – Nebraska Oil and Gas Conservation Commission, Oil and Gas Code</b></p> <p>Title 267 – Nebraska Oil and Gas Conservation Commission, Oil and Gas</p>

<b>Nebraska Oil &amp; Gas Conservation Commission</b>	
<b>Category</b>	<b>Description</b>
	Code does not include rules for gathering lines.
Summary	<p><b>Chapter 2 – General Rules</b></p> <p><b>002 Right To Inspect</b> The Director and his authorized deputies shall have the right at all reasonable times to go upon and inspect any oil or gas properties and wells for the purpose of making any investigation or tests to ascertain whether the provisions of the statutes or these rules or any special field rules are being complied with, and shall report any violation thereof to the Commission.</p> <p><b>Chapter 3 – Drilling, Development, Producing and Abandonment</b></p> <p><b>039 Form 14 - Authorization to Transport Oil and/or Gas From Lease</b>  Before any oil and/or gas may be sold, removed or transported from any unit or lease by any person, the owner shall file with the Director Form 14 - AUTHORIZATION TO TRANSPORT OIL AND/OR GAS FROM LEASE - and must secure the Director's approval before proceeding with the sale, removal or transporting of any oil and/or gas which authority shall be effective until further notice or until revoked by the Director. No purchaser shall buy, remove or transport any oil and/or gas from any unit or lease until he has received an approved copy of Form 14. The Director shall revoke said authority if it is found that any fraud, deceit or misrepresentation was made to obtain the approval of said authority, or if any owner is in violation of any rule, regulation or order of the Commission. Said owner may apply for a new permit at any time said owner is in compliance with Sections 57-901 through 57-921, Revised Statutes Nebraska, 1943, and all rules and regulations and orders of the Commission. A new well is exempt from this rule for a period of thirty (30) days following completion.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Passive
Link	<a href="http://www.nogcc.ne.gov/">http://www.nogcc.ne.gov/</a> <a href="http://www.nogcc.ne.gov/Publications/NE_CodeChapter3-031.pdf">http://www.nogcc.ne.gov/Publications/NE_CodeChapter3-031.pdf</a>

Table A.16B – Nebraska Public Service Commission

<b>Nebraska Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Nebraska Public Service Commission</b></p> <p>The Natural Gas Department regulates rates and service quality of investor-owned natural gas public utilities, pursuant to the State Natural Gas Regulation Act (Neb. Rev. Stat. sec. 66-1801 et seq.), passed by the Nebraska Legislature in 2003. The mission of the Pipeline Safety section of the Fuels Safety Division in the Nebraska State Fire Marshals Office is to inspect intrastate gas pipeline operators within the State of Nebraska and identify any non-compliance of State Pipeline Safety Regulations and to ensure the correction of probable violations.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates, inspects and enforces interstate gas pipeline safety requirements in Nebraska. OPS also regulates, inspects and enforces both intrastate and interstate liquid pipeline safety requirements in Nebraska. Through certification by OPS, the state of Nebraska regulates, inspects, and enforces intrastate gas pipeline safety requirements. This work is performed by the Deputy State Fire Marshals of the Fuels Division in the Nebraska State Fire Marshals Office.</p>
Regulation in Place	<p><b>Nebraska Administrative Code</b></p> <p><b>Title 291 – Nebraska Public Service Commission, Chapter 9 – Natural Gas and Pipeline Rules and Regulations</b></p> <p>Title 291 – Nebraska Public Service Commission, Chapter 9 - Natural Gas and Pipeline Rules and Regulations do not include supplementary rules for gathering lines.</p> <p><b>Title 155 – State Fire Marshal, Chapter 1 - Regulations Pursuant To The Nebraska Natural Gas Pipeline Safety Act Of 1969</b></p>

<b>Nebraska Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
Summary	<p><b>Title 291 – Nebraska Public Service Commission</b></p> <p><b>Chapter 9 – Natural Gas and Pipeline Rules and Regulations</b></p> <p><b>001 GENERAL:</b></p> <p>001.01 Definitions: As used in this chapter, unless the context otherwise requires, the following definitions shall be used:</p> <p>001.01F Facility: New and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of liquid or gas or in the treatment of gas during the course of transportation.</p> <p>001.01I Natural Gas Public Utility: Any corporation, company, individual, or association of persons or their trustees, lessees, or receivers that owns, controls, operates, or manages, except for private use, any equipment, plant, or machinery, or any part thereof, for the conveyance of natural gas through pipelines in or through any part of this state. Natural gas public utility does not mean a natural gas utility owned or operated by a city or a metropolitan utilities district. Natural gas public utility does not include any activity of an otherwise jurisdictional corporation, company, individual, or association of persons or their trustees, lessees, or receivers as to the marketing or sale of compressed natural gas for end use as motor vehicle fuel. Natural gas public utility does not include any gas gathering system or interstate pipeline.</p> <p><b>002 Minimum Safety Standards For Pipelines:</b></p> <p>002.01 Minimum Safety Standards: Unless otherwise specified by the Commission, carriers shall use the applicable provisions of the procedures established by the United States Department of Transportation as codified at 49 CFR 192 (revised October 1, 1998).</p>

<b>Nebraska Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
	<p><b>Title 155 – State Fire Marshal, Chapter 1 - Regulations Pursuant to the Nebraska Natural Gas Pipeline Safety Act of 1969</b></p> <p>001. Federal regulations adopted by reference are Title 49 of the Code of Federal Regulations, Parts 191, 192, 193 and 199, revised as of October 1, 2005.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Active
Link	<p><a href="http://www.sfm.ne.gov/programs-services/fuels/pipeline/">http://www.sfm.ne.gov/programs-services/fuels/pipeline/</a></p> <p><a href="http://www.sfm.ne.gov/regulations/pdf/title155.pdf">http://www.sfm.ne.gov/regulations/pdf/title155.pdf</a></p> <p><a href="http://www.psc.state.ne.us/natgas/natgas.html">http://www.psc.state.ne.us/natgas/natgas.html</a></p> <p><a href="http://www.psc.state.ne.us/rules/rules_natgas.pdf">http://www.psc.state.ne.us/rules/rules_natgas.pdf</a></p> <p><a href="http://nlc1.nlc.state.ne.us/epubs/P9000/R291.0009-2009.pdf">http://nlc1.nlc.state.ne.us/epubs/P9000/R291.0009-2009.pdf</a></p>

## **A.17 NEVADA**

In Nevada, OPS inspects, regulates, and enforces interstate gas pipeline safety requirements and inspects, regulates, and enforces both intrastate and interstate liquid pipeline safety requirements. Through certification by OPS, the state of Nevada regulates, inspects, and enforces intrastate gas pipeline safety requirements. The Gas Pipeline Safety Division of the Nevada Public Utilities Commission performs this work. The Nevada Commission on Mineral Resources, Division of Minerals is responsible for administering programs and activities to promote, advance, and protect mining and the development and production of petroleum and geothermal resources in Nevada. The Division’s mission is to conduct activities to further the responsible development and production of the State’s mineral



resources to benefit and promote the welfare of the people of Nevada. The Division is responsible for permitting, inspecting, and monitoring all oil, gas, and geothermal drilling activities on both public and private lands in Nevada. However, the Division does not regulate gathering lines. Tables A.17A and A.17B present additional information about regulation and enforcement of gathering lines in the state of Nevada.

Table A.17A – Nevada Commission on Mineral Resources, Division of Minerals

<b>Nevada Commission on Mineral Resources, Division of Minerals</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Commission on Mineral Resources, Division of Minerals</b></p> <p>The Nevada Division of Minerals, a part of the Commission on Mineral Resources, is responsible for administering programs and activities to promote, advance, and protect mining and the development and production of petroleum and geothermal resources in Nevada.</p>
Regulation in Place	<b>Nevada Revised Statute (NRS) Chapter 522 – Oil and Gas</b>
Summary	<p><b>Nevada Revised Statute (NRS) Chapter 522 – Oil and Gas</b></p> <p>This statute does not include rules for gathering lines.</p>
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	<p>Passive</p> <p><b>Nevada Revised Statute (NRS) Chapter 522 – Oil and Gas</b></p> <p>This statute does not include rules for gathering lines.</p>
Link	<p><a href="http://minerals.state.nv.us/aboutus.htm">http://minerals.state.nv.us/aboutus.htm</a></p> <p><a href="http://www.leg.state.nv.us/nac/NAC-522.html">http://www.leg.state.nv.us/nac/NAC-522.html</a></p> <p><a href="http://www.leg.state.nv.us/NRS/NRS-522.html">http://www.leg.state.nv.us/NRS/NRS-522.html</a></p>

Table A.17B – Nevada Public Utilities Commission

<b>Nevada Public Utilities Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Public Utilities Commission of Nevada</b></p> <p>The Commission oversees gas pipelines in a pipeline safety partnership between the Commission and the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration Office of Pipeline Safety. The Commission also implements the federal gas pipeline safety program conducting safety inspections of natural and propane gas distribution and transmission systems statewide.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates, and enforces interstate gas pipeline safety requirements and inspects, regulates, and enforces both intrastate and interstate liquid pipeline safety requirements. Through certification by OPS, the state of Nevada regulates, inspects, and enforces intrastate gas pipeline safety requirements.</p>
Regulation in Place	<p><b>Nevada Administrative Code (NAC), Chapter 704 - Regulation of Public Utilities Generally</b></p> <p><b>Nevada Revised Statute (NRS) Chapter 708 - Oil Pipelines</b></p>
Summary	<p><b>Nevada Administrative Code (NAC), Chapter 704 - Regulation of Public Utilities Generally</b></p> <p><b>704.460 Adoption by reference of certain federal regulations.</b></p> <p>The Commission hereby adopts by reference the regulations contained in 49 CFR Parts 191, 192, 193 and 199, in the form most recently published by the United States Government Printing Office, unless the Commission gives notice that the most recent publication is not suitable for this State pursuant to subsection 2.</p> <p>If any publication adopted by reference pursuant to subsection 1 is revised,</p>

<b>Nevada Public Utilities Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>the Commission may review the revision to ensure its suitability for this State. If the Commission determines that the revision is not suitable for this State, the Commission will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing. If, after the hearing, the Commission does not revise its determination, the Commission will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Commission does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.</p> <p><b>Nevada Revised Statute (NRS) Chapter 708 - Oil Pipelines</b></p> <p><b>708.060 Power of Commission to establish and enforce rates and regulations; procedure; reimbursement of excessive charges.</b></p> <p>1. The Commission shall have the power:</p> <p>(a) To establish and enforce rates of charges and regulations for gathering, transporting, loading and delivering crude oil or petroleum by such common carriers in this state, and for the use of storage facilities necessarily incident to such transportation; and</p> <p>(b) To prescribe and enforce rules and regulations for the government and control of such common carriers in respect to their pipelines and receiving, transferring and loading facilities.</p> <p><b>708.130 Applicability of chapter.</b> The provisions of this chapter shall not apply to:</p> <p>1. Those pipelines which are limited in their use to the wells, stations, plants and refineries of their owner and which are not a part of the pipeline transportation system of any common carrier as defined in NRS 708.020.</p> <p>2. Any property of such a common carrier which is not a part of or necessarily incident to its pipeline transportation system.</p>
Enforcement Authority Yes/No	Yes

<b>Nevada Public Utilities Commission</b>	
<b>Category</b>	<b>Description</b>
Enforcement Authority Active/Passive	Active
Link	<a href="http://pucweb1.state.nv.us/pucn/(X(1)S(woiymp55bqyvcd55d3neyfeu))/PUCHome.aspx">http://pucweb1.state.nv.us/pucn/(X(1)S(woiymp55bqyvcd55d3neyfeu))/PUCHome.aspx</a> <a href="http://www.leg.state.nv.us/Division/Research/Library/Documents/ReportsToLeg/2009-2011/124-11.pdf">http://www.leg.state.nv.us/Division/Research/Library/Documents/ReportsToLeg/2009-2011/124-11.pdf</a> <a href="http://www.leg.state.nv.us/nac/NAC-704.html">http://www.leg.state.nv.us/nac/NAC-704.html</a> <a href="http://www.leg.state.nv.us/NRS/NRS-704.html">http://www.leg.state.nv.us/NRS/NRS-704.html</a> <a href="http://www.leg.state.nv.us/NRS/NRS-708.html">http://www.leg.state.nv.us/NRS/NRS-708.html</a>

## **A.18 NEW MEXICO**

The New Mexico Public Regulation Commission, Pipeline Safety Bureau is charged with the task of enforcing Federal and State Pipeline Safety Regulations. In New Mexico, OPS inspects, regulates, and enforces interstate gas and liquid pipeline safety requirements. Through certification by OPS, the state of New Mexico regulates, inspects, and enforces intrastate gas and liquid pipeline safety requirements. The New Mexico Energy, Minerals and Natural Resources Department, Oil Conservation Division regulates oil, gas, and geothermal activity in New Mexico; gathers well production data; permits new wells; enforces the division's rules and the state's oil and gas statutes; makes certain abandoned wells are properly plugged; and ensures the land is responsibly restored. However, the Natural Resources and Wildlife statute does not include natural gas or hazardous liquid gathering line safety requirements. Tables A.18A and A.18B present additional information about regulation and enforcement of gathering lines in the state of New Mexico.

Table A.18A – Energy, Mineral and Natural Resources Department, Oil Conservation Division

<b>New Mexico Energy, Mineral and Natural Resources Department Oil Conservation Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>Energy, Minerals and Natural Resources Department, Oil Conservation Division</b>

<b>New Mexico Energy, Mineral and Natural Resources Department Oil Conservation Division</b>	
	The Oil Conservation Division regulates oil, gas, and geothermal activity in New Mexico; gathers well production data; permits new wells; enforces the division's rules and the state's oil and gas statutes; makes certain abandoned wells are properly plugged; and ensures the land is responsibly restored.
Regulation in Place	<b>New Mexico Administrative Code</b>  <b>Title 19 - Natural Resources and Wildlife, Chapter 15 Oil And Gas</b>
Summary	<b>New Mexico Administrative Code</b>  <b>Title 19 - Natural Resources and Wildlife, Chapter 15 Oil And Gas</b>  This title does not include requirements for siting, design, construction, operation, or maintenance of hazardous liquids or natural gas gathering lines.
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<a href="http://www.emnrd.state.nm.us/ocd/">http://www.emnrd.state.nm.us/ocd/</a>

Table A.18B – New Mexico Public Regulation Commission, Pipeline Safety Bureau

<b>New Mexico Public Regulation Commission, Pipeline Safety Bureau</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>New Mexico Public Regulation Commission, Pipeline Safety Bureau</b>

<b>New Mexico Public Regulation Commission, Pipeline Safety Bureau</b>	
<b>Category</b>	<b>Description</b>
	<p>The Pipeline Safety Bureau</p> <ul style="list-style-type: none"> <li>• is charged with the task of enforcing Federal and State Pipeline Safety Regulations in order to provide for the safety of the citizens of New Mexico.</li> <li>• is responsible for investigating intrastate pipeline accidents within New Mexico.</li> <li>• enforces the State Excavation Damage Prevention Law.</li> <li>• is responsible for licensing crude oil, natural gas, and oil and gas product pipelines.</li> </ul> <p>Through its 60105 Agreement with the US Department of Transportation, the Pipeline Safety Bureau is responsible for safety compliance inspections and enforcing state and federal pipeline safety regulations for intrastate gas pipeline facilities. These include private and municipal gas distribution systems, master meter gas systems, LPG systems, transmission systems and jurisdictional gathering lines. In addition, the Pipeline Safety Bureau is responsible for safety compliance inspections of intrastate hazardous liquid and CO2 pipelines.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate gas and liquid pipeline safety requirements in New Mexico. Through certification by OPS, the state of New Mexico regulates, inspects, and enforces intrastate gas and liquid pipeline safety requirements.</p>
Regulation in Place	<p><b>New Mexico Administrative Code (NMAC)</b></p> <p><b>Title 18: Transportation and Highways, Chapter 60: Pipeline Construction and Maintenance</b></p> <p><b>New Mexico Statutes, Chapter 70 - Oil and Gas, Article 3 – Pipelines</b></p>
Summary	<p><b>Title 18: Transportation and Highways, Chapter 60: Pipeline Construction and Maintenance</b></p>

**New Mexico Public Regulation Commission, Pipeline Safety Bureau**

<b>Category</b>	<b>Description</b>
	<p><b>Part 2 Pipeline Safety General Provisions</b></p> <p><b>18.60.2.8 Adoption of Portions of the Code of Federal Regulations:</b></p> <p><b>A. Adoption by reference.</b> Except for the variances set forth in Subsection B of this section, the commission adopts the following portions of the code of federal regulations, as such may be amended from time to time, pertaining to gas and hazardous liquid pipeline operators and facilities, and concerning the health, safety, and welfare of persons and property in New Mexico, as part of this rule:</p> <ul style="list-style-type: none"><li>(1) pipeline safety programs and procedures. 49 CFR 190.5, 190.233(a) and (b), and 190.237;</li><li>(2) annual, incident, and safety related condition reports. 49 CFR Part 191;</li><li>(3) minimum federal safety standards. 49 CFR Part 192;</li><li>(4) transportation of hazardous liquids by pipeline, 49 CFR Part 195;</li><li>(5) drug and alcohol testing, 49 CFR Parts 40 and 199.</li></ul> <p><b>B. New Mexico variances to adopted federal regulations.</b></p> <p>(5) Regulated intrastate gathering operators in New Mexico shall:</p> <ul style="list-style-type: none"><li>(a) establish and follow written operating and maintenance procedures as prescribed in 49 CFR 192.605 for all applicable requirements of 49 CFR 192.9;</li><li>(b) establish and follow written emergency procedures as prescribed in 49 CFR 192.615;</li><li>(c) establish and follow written maintenance procedures as prescribed in 49 CFR 192.703(b) and (c);</li><li>(d) establish and follow written procedures for prevention of accidental ignition as prescribed in 49 CFR 192.751;</li></ul>

**New Mexico Public Regulation Commission, Pipeline Safety Bureau**

<b>Category</b>	<b>Description</b>
	<p>(e) establish and follow written valve maintenance procedures as prescribed in 49 CFR 192.745;</p> <p>(f) keep records necessary to administer the procedures established under Subsection B of 18.60.2.8 NMAC; and</p> <p>(g) conduct leakage surveys of its regulated gathering line(s) using leak detection equipment at intervals not exceeding fifteen (15) months but at least once each calendar year.</p> <p><b>New Mexico Statutes Chapter 70 - Oil and Gas, "Pipeline Safety Act." [7-3-11 to 70-3-20]</b></p> <p><b>Article 3 – Pipelines,</b></p> <p><b>§ 70-3-4 - Pipelines; crossing of railroads and highways</b></p> <p>The crossing of any pipeline operated for the conveyance of oil, natural gas, carbon dioxide gas or the products derived therefrom under any railroad or public road or highway in this state, outside of the confines of any municipal corporation, shall be constructed and maintained according to reasonable rules and regulations adopted by the corporation commission [public regulation commission] of New Mexico, not inconsistent, however, with the applicable requirements of the state highway department.</p> <p><b>7.1.1.1 § 70-3-12 - Definitions</b></p> <p>As used in the Pipeline Safety Act [<a href="#">70-3-11</a> NMSA 1978]:</p> <p>B. "commission" means the public regulation commission</p> <p>E. "transportation of gas" means the gathering, transmission or distribution of gas by pipeline or its storage, except that it shall not include the gathering of gas in those rural locations that lie outside the limits of any municipality or unincorporated city, town or village or any residential or</p>



**New Mexico Public Regulation Commission, Pipeline Safety Bureau**

<b>Category</b>	<b>Description</b>
	<p>commercial area such as a subdivision, a business or shopping center, a community development or any similar populated area that the commission may define by order as a nonrural area;</p> <p>F. "transportation of oil" means the transmission of oil by pipeline, except pipelines operated exclusively for the gathering of oil in any field or area or pipelines constituting a part of any tank farm, plant facilities of any processing plant, gasoline plant, refinery, carbon-black plant, recycling system or similar operations;</p> <p>G. "gas pipeline facilities" means new and existing pipeline rights of way and any equipment, facility or structure used in the transportation of gas or the treatment of gas during the course of transportation;</p> <p>H. "oil pipeline facilities" means new and existing pipeline rights of way and any equipment, facility or structure used in the transportation of oil;</p> <p><b>§ 70-3-20 - Pipeline safety engineer and staff</b></p> <p>The commission shall appoint a professional engineer who shall have at least five years' actual experience in the design, construction, maintenance and operation of oil or gas pipeline facilities and who shall be designated "pipeline safety engineer." The commission shall retain such other personnel as may be necessary to carry out the provisions of the Pipeline Safety Act [70-3-11 NMSA 1978], and the commission shall, subject to state laws and regulations covering classification and compensation of state employees, be empowered and authorized to fix the compensation to be paid the pipeline safety engineer, and the compensation of other personnel employed under the authority of this section shall be subject to the state Personnel Act [10-9-1 NMSA 1978].</p>
<p>Enforcement Authority Yes/No</p>	<p>Yes</p>
<p>Enforcement Authority Active/Passive</p>	<p>Active</p> <p><b>Title 18: Transportation and Highways, Chapter 60: Pipeline Construction and Maintenance</b></p>

**New Mexico Public Regulation Commission, Pipeline Safety Bureau**

Category	Description
	<p><b>PART 4 Pipeline Safety Enforcement Procedures</b></p> <p><b>18.60.4.8 Inspections and Investigations:</b></p> <p><b>A. Pipelines.</b></p> <p>(1) Staff is authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, those records and pipeline facilities of an owner or operator relevant to determining whether the owner or operator is in compliance with applicable laws.</p> <p>(2) Staff may conduct an inspection pursuant to:</p> <ul style="list-style-type: none"> <li>(a) scheduling by staff;</li> <li>(b) a written complaint received from a member of the public;</li> <li>(c) information obtained from a previous inspection;</li> <li>(d) an accident or incident; or</li> <li>(e) whenever the commission or the director deems it appropriate.</li> </ul> <p>(3) If, after an inspection, staff believes that further information is needed to determine appropriate action, staff may send a request for specific information to the owner or operator. The owner or operator shall answer the request within thirty (30) days of its receipt.</p> <p>(4) The commission may, subject to applicable laws, require testing of portions of facilities that have been involved in, or affected by, an accident. The commission shall make every effort to negotiate with the owner or operator of the facility a mutually acceptable plan for performing the testing.</p> <p>(5) When the information obtained from an inspection or from other appropriate sources indicates that further commission action is warranted, the director shall issue a notice of probable violation or notice of intent to issue a hazardous facility order, as appropriate.</p>
Link	<p><a href="http://www.nmprc.state.nm.us/transportation/pipeline-safety.html">http://www.nmprc.state.nm.us/transportation/pipeline-safety.html</a></p> <p><a href="http://www.nmcpr.state.nm.us/nmac/_title18/T18C060.htm">http://www.nmcpr.state.nm.us/nmac/_title18/T18C060.htm</a></p> <p><a href="http://www.nmcpr.state.nm.us/nmac/parts/title18/18.060.0002.htm">http://www.nmcpr.state.nm.us/nmac/parts/title18/18.060.0002.htm</a></p>

New Mexico Public Regulation Commission, Pipeline Safety Bureau	
Category	Description
	<a href="http://www.nmcpr.state.nm.us/nmac/parts/title18/18.060.0004.htm">http://www.nmcpr.state.nm.us/nmac/parts/title18/18.060.0004.htm</a> <a href="http://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_chapter_70_article_3">http://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_chapter_70_article_3</a> <a href="http://www.nmonesource.com/nmpublic/gateway.dll/?f=templates&amp;fn=default.htm">http://www.nmonesource.com/nmpublic/gateway.dll/?f=templates&amp;fn=default.htm</a>

## A.19 NEW YORK

The New York State Department of Public Service, Office of Electric, Gas and Water monitors operator compliance with State and Federal pipeline safety regulations through an inspection and enforcement program. The program is comprised of field inspections of operations, maintenance, and construction activities; programmatic inspections of operator procedures, processes, and records; incident investigations and corrective actions; and through direct dialogue with operator management. Through certification by OPS, the state of New York regulates and inspects both the intrastate and interstate gas and liquid pipeline operators in New York. The New York State Department of Environmental Conservation, Division of Mineral Resources administers regulations and a permitting program to mitigate potential environmental impact of drilling and well operation. The Department of Environmental Conservation has regulatory control of gathering lines (less than 125 psi) which cross environmentally sensitive areas such as wetlands and protected streams and has safety and environmental jurisdiction of the oil gathering lines which transport the oil from individual wells to the production storage tanks located on or in close proximity to the lease. Tables A.19A and A.19B present additional information about regulation and enforcement of gathering lines in the state of New York.

Table A.19A – New York State Department of Environmental Conservation, Division of Mineral Resources

New York State Department of Environmental Conservation, Division of Mineral Resources	
Category	Description
State Agency	<p><b>New York State Department of Environmental Conservation, Division of Mineral Resources</b></p> <p>The New York State Department of Environmental Conservation, Division</p>

<b>New York State Department of Environmental Conservation, Division of Mineral Resources</b>	
<b>Category</b>	<b>Description</b>
	<p>of Mineral Resources administers regulations and a permitting program to mitigate to the greatest extent possible any potential environmental impact of drilling and well operation. In addition, the Division protects the correlative rights of mineral owners and ensures that oil and gas reserves are developed such that a greater ultimate recovery can be achieved. This is accomplished through well spacing and compulsory integration.</p> <p>The New York State Department of Environmental Conservation has regulatory control of gathering lines (less than 125 psi) which cross environmentally sensitive areas such as wetlands and protected streams. However, low pressure transmission lines (lines with pressure of 124 psi or less) are currently not systematically regulated, inspected, or mapped..</p> <p>The Public Service Commission has no jurisdiction over the oil gathering lines in New York State because none of them are high pressure (greater than 200 psi) or could be considered transport lines (going off the lease to distribution centers). Most of the oil in New York State is trucked or piped from stock tanks on the lease or central storage tanks to the refinery. The New York State Department of Environmental Conservation has safety and environmental jurisdiction of the oil gathering lines which transport the oil from individual wells to the production storage tanks located on or in close proximity to the lease.</p>
Regulation in Place	<b>New York Code - Article 23: Mineral Resources</b>
Summary	<p><b>New York Code - Article 23: Mineral Resources</b></p> <p><b>Section 23-0301: Declaration of policy</b></p> <p>It is hereby declared to be in the public interest to regulate the development, production and utilization of natural resources of oil and gas in this state in such a manner as will prevent waste; to authorize and to provide for the operation and development of oil and gas properties in such a manner that a greater ultimate recovery of oil and gas may be had, and that the correlative rights of all owners and the rights of all persons including landowners and the general public may be fully protected, and to provide in similar fashion for the underground storage of gas, the solution mining of salt and geothermal, stratigraphic and brine disposal wells.</p>

<b>New York State Department of Environmental Conservation, Division of Mineral Resources</b>	
<b>Category</b>	<b>Description</b>
	This article does not include requirements for siting, design, construction, operation, or maintenance of hazardous liquids or natural gas gathering lines.
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<a href="http://www.dec.ny.gov/energy/205.html">http://www.dec.ny.gov/energy/205.html</a> <a href="http://www.dec.ny.gov/docs/materials_minerals_pdf/dgeisv3ap6.pdf">http://www.dec.ny.gov/docs/materials_minerals_pdf/dgeisv3ap6.pdf</a> <a href="http://www.dec.ny.gov/docs/materials_minerals_pdf/rdsgeisch80911.pdf">http://www.dec.ny.gov/docs/materials_minerals_pdf/rdsgeisch80911.pdf</a> <a href="http://codes.lp.findlaw.com/nycode/PBS/7">http://codes.lp.findlaw.com/nycode/PBS/7</a> <a href="http://codes.lp.findlaw.com/nycode/PBS/7/120">http://codes.lp.findlaw.com/nycode/PBS/7/120</a> <a href="http://www3.dps.ny.gov/W/PSCWeb.nsf/0/a021e67e05b99ead85257687006f393b/\$FILE/Article_VII_Process_Guide.pdf">http://www3.dps.ny.gov/W/PSCWeb.nsf/0/a021e67e05b99ead85257687006f393b/\$FILE/Article_VII_Process_Guide.pdf</a> <a href="http://open.nysenate.gov/legislation/bill/S3287-2013">http://open.nysenate.gov/legislation/bill/S3287-2013</a>

Table A.19B – New York State Department of Public Service, Office of Electric, Gas and Water

<b>New York State Department of Public Service, Office of Electric, Gas and Water</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>New York State Department of Public Service, Office of Electric, Gas and Water</b></p> <p>The Office of Electric, Gas and Water is responsible for overseeing the operations of electric, gas, steam, and water utilities under Commission jurisdiction. The Office also monitors these utilities to ensure that they operate in accordance with Commission and statutory requirements.</p> <p>Operator compliance with state and federal pipeline safety regulations is monitored through a inspection and enforcement program. The program is comprised of field inspections of operations, maintenance, and construction activities; programmatic inspections of operator procedures, processes, and records; incident investigations and corrective actions; and through direct dialogue with operator management.</p> <p>Through certification by OPS, the state of New York regulates and inspects both the intrastate and interstate gas and liquid pipeline operators in New York.</p>
Regulation in Place	<p><b>New York Code Public Service Law, Article VII Siting of Major Utility Transmission Facilities</b></p> <p><b>New York Codes, Rules and Regulations (NYCRR), Title 16 Rules and Regulations of the Public Service Commission, Volume B, Chapter 03 Gas Utilities, Subchapter C Safety</b></p> <p><b>Part 255, Transmission and Distribution of Gas</b></p> <p><b>Part 258, Transmission of Liquid Petroleum</b></p>
Summary	<b>New York Code Public Service Law</b>

**New York State Department of Public Service,  
Office of Electric, Gas and Water**

<b>Category</b>	<b>Description</b>
	<p><b>Article VII Siting of Major Utility Transmission Facilities</b></p> <p>The New York State Legislature enacted Article VII in 1970 to establish a single forum for reviewing the need for, and environmental impact of, certain major electric and gas transmission facilities. The law requires that an applicant must apply for a Certificate of Environmental Compatibility and Public Need (Certificate) and meet the Article VII requirements before constructing any such facility. This article sets forth a review process for the consideration of any application to construct and operate a major utility transmission facility. The law defines major utility transmission facilities according to technical criteria.</p> <p>Major natural fuel gas transmission facilities are pipelines that extend a distance of at least 1,000 feet and operated at pressures of 125 psig or more, except where such natural fuel gas pipelines:</p> <ul style="list-style-type: none"> <li>• are located wholly underground in a city; or</li> <li>• are located wholly within the right-of-way of a state, county or town highway or village street; or</li> <li>• replace an existing transmission facility, and are less than one mile long.</li> </ul> <p>In 1981, the Legislature streamlined the Article VII procedure and application requirements in connection with natural fuel gas transmission facilities that extend more than 1,000 feet, but less than ten miles. The streamlined requirements applicable to such natural fuel gas facilities are set forth in the Public Service Law Section 121-a and in 16 NYCRR Subpart 85-1.</p> <p>In January 2013, the New York legislature began considering bill number S3287 that would amend the Public Safety Law as follows.</p> <p>Section 1 amends the public service law by adding a new section 121-b to</p>

**New York State Department of Public Service,  
Office of Electric, Gas and Water**

<b>Category</b>	<b>Description</b>
	<p>require the submission of maps of proposed gas gathering lines and pipeline facilities to the Department of public Service. Directs the Department to develop and maintain, in consultation with the Department of Environmental conservation, a computer mapping system of infrastructure related to the state's fuel gas transmission network.</p> <p>Section 2 establishes an effective date of 180 days after the act shall have become law and directs the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of the act on or before such effective date.</p> <p>Justification: In light of the push to develop the Marcellus and other shales, many landowners, farmers, environmental advocates and others have expressed concerns over the lack of oversight of fuel gas transmissions lines. Currently, low pressure transmission lines (lines with pressure of 124 pounds per square inch (psi) or less) are not regulated, inspected, or mapped in any systematic way. This bill will provide regulators with up to date information on the development of infrastructure related to fuel gas transmission.</p> <p>Requirements in New York Codes, Rules and Regulations Title 16, Subpart 85-1 include procedures with respect to gas transmission lines less than 10 miles long. These procedures define the types of information that any notice of intent filed by an applicant to construct a fuel gas transmission line less than five miles long and six inches or less in nominal diameter must contain</p> <p><b>Section 120: Definitions</b></p> <p>2. "Major utility transmission facility" means: (b) a fuel gas transmission line extending a distance of one thousand feet or more to be used to transport fuel gas at pressures of one hundred twenty-five pounds per square inch or more, excluding appurtenant facilities, but shall not include any such transmission line which is located wholly underground in a city or wholly within the right of way of a state, county or town highway or village</p>



**New York State Department of Public Service,  
Office of Electric, Gas and Water**

<b>Category</b>	<b>Description</b>
	<p>street as those terms are defined in article one of the highway law and article six of the village law, or which replaces an existing transmission line, including appurtenant facilities, and extends a distance of less than one mile.</p> <p><b>New York Codes, Rules and Regulations (NYCRR), Title 16 Rules and Regulations of the Public Service Commission, Volume B, Chapter 03 Gas Utilities, Subchapter C Safety</b></p> <p><b>Part 255, Transmission and Distribution of Gas</b></p> <p><b>§ 255.1 Scope</b></p> <p>(a) This Part prescribes minimum safety requirements for the design, fabrication, installation, inspection, testing and operation and maintenance of gas transmission and distribution systems, including gas gathering lines, gas pipelines, gas compressor stations, gas metering and regulating stations, gas mains, service lines, gas storage equipment of the closed pipe type fabricated or forged from pipe or fabricated from pipe and fittings, and gas storage lines not covered by 49 CFR 192.</p> <p>(d) This Part does not apply to:</p> <p style="padding-left: 40px;">(6) wellhead assemblies, including traps or separators, heaters, control valves, and flow lines of less than 100 feet in length between the wellhead and trap or separator, or casing and tubing in gas or oil wells (flowlines of greater than 100 feet in length between the wellhead and trap or separator are considered to be gathering lines);</p> <p><b>§ 255.3 Definitions</b></p>

**New York State Department of Public Service,  
Office of Electric, Gas and Water**

<b>Category</b>	<b>Description</b>
	<p>(a) As used in this Part:</p> <p style="padding-left: 40px;">(7) Gathering line means a pipe line that transports gas from a current production facility to a transmission line, main, or directly to an end user.</p> <p><b>§ 255.9 Gathering lines</b></p> <p>(a) Except as specified in subdivision (b) of this section, each gathering line shall be designed, constructed, tested, operated and maintained as specified in subdivision (f) of this section.</p> <p>(b) Gathering lines or any portion thereof located within the following areas shall be designed, constructed, tested, operated and maintained in accordance with the provisions of this Part applicable to steel transmission lines:</p> <p style="padding-left: 40px;">(1) within 150 feet of an existing residence or place of public assembly;</p> <p style="padding-left: 40px;">(2) within the limits of any city, or incorporated village; or</p> <p style="padding-left: 40px;">(3) within a designated residential or commercial area such as a subdivision, business or shopping center, or community development.</p> <p>(c) Prior to the start of construction of any gathering line, notification in compliance with the following paragraphs shall be filed:</p> <p style="padding-left: 40px;">(1) At least 30 days prior to the start of construction for any gathering line intended to operate at a pressure of 125 psig or more, the notice must be a letter of intent and a report of specifications similar in format to Appendix 7-G of this Title.</p> <p style="padding-left: 40px;">(2) At least 48 hours prior to the start of construction for any gathering line intended to operate at a pressure of less than 125 psig, the notice is to be a letter of intent giving the company name, address, and specific location of the intended construction.</p> <p style="padding-left: 40px;">(3) Any person intending to construct a gathering line in an area used for commercial farm purposes in at least two of the last five years regardless of the proposed operating pressure of the line, must</p>

**New York State Department of Public Service,  
Office of Electric, Gas and Water**

<b>Category</b>	<b>Description</b>
	<p>complete the information requested in Appendices 7-G and 7-G(a) of this Title and provide one copy each of Appendices 7-G and 7-G(a) of this Title to the affected farmland operator and the local county soil and water conservation district at least 48 hours in advance of the start of construction. The person shall retain a copy of Appendices 7-G and 7-G(a) of this Title for review by any interested party in the future.</p> <p>(d) Notwithstanding any other provisions of this Part, where natural gas is gathered from production facilities, transported off the property on which the production facilities are located, and sold directly to an end user, the following shall apply:</p> <p>(1) The portion of the pipeline that is downstream of the point at which no additional gas enters the pipeline from a production facility or, in cases involving a single production facility, that is downstream of the point at which the pipeline enters a public right-of-way, or adjacent private right-of-way, is a transmission line if it operates at a hoop stress of 20 percent or more of SMYS or, otherwise, a distribution line. Such transmission or distribution lines shall fully comply with the applicable requirements contained in this Part for such lines.</p> <p>(2) In cases where gas is transported directly from production facilities and sold to a single end-user, that portion of the pipeline which is downstream of the end-user's property line is a service line and shall comply with the applicable requirements contained in this Part.</p> <p>(3) Any person who intends to transport and sell gas from a production facility directly to an end-user shall report such intent as part of the notification required by subdivision (c) of this section.</p> <p>(e) Any person operating a gathering line (regardless of the pipeline material) which was originally constructed to operate at a pressure of less than 125 psig who proposes to increase the operating pressure of such line to 125 psig or more shall comply with the requirements of sections 255.552, 255.553 and 255.555 of this Part.</p> <p>(f) Any gathering line, except as specified in subdivision (b) of this section, shall be designed, constructed, tested, operated and maintained in conformance with sound engineering practices, including the following criteria:</p> <p>(1) All joints shall be visually inspected for defects and shall have a neat workmanlike appearance. Qualified welders and plastic joiners shall</p>

**New York State Department of Public Service,  
Office of Electric, Gas and Water**

<b>Category</b>	<b>Description</b>
	<p>be employed.</p> <p>(2) Except as provided in paragraph (3) of this subdivision, all pipe shall be installed with a minimum of 24 inches of cover. Where solid rock is encountered, the minimum cover may be reduced to 12 inches. In areas subject to erosion or in locations where future grading is likely, such as at road, highway, railroad and ditch crossings, additional protection shall be provided.</p> <p>(3) Notwithstanding paragraph (2) of this subdivision, in areas actively cultivated for commercial farm purposes in at least two out of the last five years, as identified by the farmland operator, all pipe shall be installed with a minimum 40 inches of cover. The farmland operator can also designate such support land areas, not under active cultivation but subject to land management practices such as, but not limited to, drainage and soil erosion control systems. The farmland operator may allow less than 40 inches of cover if less conforms with normal agricultural practices, including land fitting (e.g., plowing, subsoiling, disking, etc.) and prospective agricultural engineering projects taking into account and the recommended practices and standards of the United States Department of Agriculture, Soil Conservation Service,* contained in its National Hand book of Conservation Practices and its National Engineering Manual. The farmland operator may require a depth-of-cover greater than 40 inches as a condition of permitting a right-of-way across his or her land where necessary to safely accommodate such practices and projects.</p> <p>*Information about soil types and applicable agricultural engineering standards and practices may be obtained from the U.S. Department of Agriculture, Soil Conservation Service office, located in the county in which the gathering line is to be installed.</p> <p>(4) Each gathering line must be protected from washouts, floods, unstable soil, landslides or other hazards that may cause the pipeline to be exposed, to move, or to sustain abnormal loads.</p> <p>(5) A suitable conductive wire shall be installed with plastic pipe to facilitate locating it with an electronic pipe locator. Other approved suitable material or means may be employed for accomplishing this purpose.</p>

**New York State Department of Public Service,  
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<b>Category</b>	<b>Description</b>
	<p>(6) The maximum allowable operating pressure for plastic pipelines is to be determined in accordance with either of the formulas in section 255.121 of this Part, subject to the limitations of sections 255.123(b) through (d) of this Part.</p> <p>(7) All deleterious defects, gouges, dents and grooves shall be eliminated prior to testing.</p> <p>(8) The pipeline shall be subjected to a minimum pressure test of 100 psig or 1 1/2 MAOP, whichever is greater, for two hours. However, the maximum test pressure for plastic pipe may not be more than three times the design pressure of the pipe. Where reservoir pressure of the field is less than these pressures, the reservoir pressure may be the test pressure.</p> <p>(9) Test medium shall be air, inert gas or water. Other approved media may be used.</p> <p>(10) Regardless of installation date, pipeline markers complying with the requirements of section 255.707(d)-(e) of this Part shall be installed at each crossing of a public road, railroad, navigable waterway, and wherever else it is necessary to identify the location of the gathering line to reduce the possibility of damage or interference. In areas used for commercial farm purposes in at least two of the last five years, pipeline markers shall be installed at points which adequately identify the location and direction of the pipeline. Such location points shall be determined in consultation with the farmland operator.</p> <p>(11) Maps shall be prepared documenting the location of the line and critical valves.</p> <p>(12) The pipelines shall be patrolled a minimum of every two years for washouts and other hazardous conditions, including a check for area population development change.</p> <p>(13) The line shall be surveyed for leakage at least once every five years.</p> <p>(14) The adequacy of over pressure protection devices shall be verified annually to ensure safe operation of the line.</p> <p>(15) To abandon the gathering system in place, all sources of gas must be disconnected from the system, the system shall be purged with air</p>

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<b>Category</b>	<b>Description</b>
	<p>or inert gas and the ends sealed.</p> <p>(16) Sufficient documentation shall be maintained to demonstrate compliance with these regulations.</p> <p><b>§ 255.614 Damage prevention program</b></p> <p>(a) Each operator of a buried pipeline shall carry out a written program to prevent damage to that pipeline by excavation activities in accordance with 16 NYCRR Part 753, Protection of Underground Facilities. Each operator of a buried pipeline, except for gathering lines in Class 1 and 2 locations, must participate in the one-call notification system that covers the areas of the State in which those pipeline facilities are located.</p> <p><b>Part 258, Transmission of Liquid Petroleum</b></p> <p><b>§ 258.1 Scope</b></p> <p>(a) This Part prescribes minimum safety standards for liquid petroleum pipeline facilities. Every liquid petroleum pipeline corporation engaged in the transportation of liquid petroleum via pipeline within the State of New York is to comply with the rules set forth in this Part.</p> <p>(d) Except where otherwise indicated, this Part is not applied retroactively to existing installations insofar as design, fabrication, installation, and testing are concerned. The provisions of this Part are, however, applicable to existing facilities that are reconstructed, relocated, or reactivated, or that are considered for an increase in maximum operating pressure.</p> <p>(e) This Part does not apply to:</p> <p>(1) transportation of liquid petroleum through interstate pipelines regulated under 49 CFR 195.</p> <p>(2) liquid petroleum refining, handling, processing, transfer, or storage facilities licensed under article 12 of the Navigation Law or registered</p>

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<b>Category</b>	<b>Description</b>
	<p>under 6 NYCRR Part 612 including pipelines, or portions thereof, within the property boundaries of such facilities; and</p> <p>(3) liquid petroleum production facilities.</p> <p><b>§ 258.2 Definitions</b></p> <p>As used in this Part:</p> <p>(g) Pipeline means all parts of those physical facilities through which liquid petroleum moves in transportation, including line pipe, valves and other appurtenances connected to the line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein.</p> <p>(h) Pipeline facility means new and existing pipe, rights-of-way, and any equipment, facility, or building used in the transportation of liquid petroleum.</p> <p>(i) Production facility means all wells, flowlines, piping, separation equipment, storage facilities, and auxiliary equipment used in the extraction of liquid petroleum from the ground.</p> <p>(j) Transportation of liquid petroleum means the gathering or delivery of liquid petroleum by pipeline.</p> <p><b>§ 258.3 Compliance with standard code</b></p> <p>Except as otherwise provided in this Part, all liquid petroleum pipeline facilities within the State of New York shall be designed, constructed, tested, operated, and maintained, in accordance with Title 49, Code of Federal Regulations, Part 195, Transportation of Hazardous Liquids by Pipeline (as described in section 10.2 of this Title), herein referred to as 49 CFR 195 followed by a rule or section number. In addition, operators shall comply with Subpart G-Operator Qualifications, of 49 CFR 195.</p>

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Office of Electric, Gas and Water**

<b>Category</b>	<b>Description</b>
	<p><b>§ 258.5 Minimum cover in commercial farmlands</b></p> <p>Notwithstanding the requirements of 49 CFR 195.248(a) for cover over buried pipelines in cultivated areas, all pipe installed in areas actively cultivated for commercial farm purposes in at least two out of the last five years, as identified by the farmland operator, shall be installed with a minimum cover of 40 inches unless the farmland operator agrees to or requires a different depth.</p> <p><b>§ 258.6 Hydrostatic testing</b></p> <p>(a) Each new, reconstructed, relocated, replaced, or reactivated segment of pipeline must be hydrostatically tested in accordance with this section to substantiate the current or proposed maximum operating pressure. Any pipeline, or segment thereof, for which the maximum operating pressure is to be increased must also be tested in accordance with this section.</p> <p>(b) Notwithstanding the requirements of 49 CFR 195.302(c), the minimum test pressure at the lowest point of the test section shall be the lesser of:</p> <p style="padding-left: 40px;">(1) 150 percent of the maximum operating pressure; or</p> <p style="padding-left: 40px;">(2) the pressure that produces a pipe stress equivalent to 90 percent of the specified minimum yield strength of the pipe.</p> <p>(c) Except as provided in subdivision (d) of this section, the test pressure must be maintained throughout the pipeline segment for at least 12 hours following stabilization.</p> <p>(d) For a short segment of pipeline (100 feet or less) which is completely exposed and where its entire circumference may be readily examined visually for the detection of leaks, the test duration shall be at least four hours following stabilization and the test shall precede coating of the welds.</p> <p>(e) A calibrated recording pressure gauge that indicates increments of five pounds per square inch or less shall be attached to the test section. The</p>



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<b>Category</b>	<b>Description</b>
	<p>gauge must be calibrated at least hourly for the first and last two hours of the test. Calibration is against a deadweight tester attached to the test section.</p> <p>(f) At least five business days prior to starting a test, the corporation shall notify the Office of Gas and Water of the department in Albany in writing. In order to maintain continuity of service during emergencies, shorter notice is permissible. The corporation shall also notify the officials of the municipalities wherein the test is to be conducted. Tests conducted under this section are not deemed satisfactory unless certified by an inspector of the Office of Gas and Water of the department.</p> <p><b>§ 258.7 Operations, maintenance, and emergency plan</b></p> <p>(a) Each liquid petroleum pipeline corporation subject to this Part shall establish and file with the Office of Gas and Water of the department in Albany a detailed written plan for conducting normal operations and maintenance, and for handling abnormal operations and maintenance, and for handling abnormal operations and emergencies.</p> <p>(b) the operations, maintenance, and emergency plan shall include, as a minimum, procedures covering all items specified under 49 CFR 195.402. Revisions to these written procedures shall be submitted to the Office of Gas and Water of the department in Albany at least 30 days prior to the effective date thereof.</p> <p>(c) Each corporation shall satisfactorily comply with the plan submitted to the Office of Gas and Water of the department.</p> <p>(d) During January of each year, each corporation shall file a list with the Office of Gas and Water of the department in Albany, and with all municipalities within which its facilities are located, indicating the names, addresses, and home and business telephone numbers of its responsible officials who may be contacted in the event of an emergency. Revisions to this list during the year shall be immediately reported to the Office of Gas and Water of the department in Albany and affected municipalities.</p> <p><b>§ 258.8 Maximum operating pressure</b></p>

**New York State Department of Public Service,  
Office of Electric, Gas and Water**

<b>Category</b>	<b>Description</b>
	<p>(a) Except for surge pressures and other variations from normal operations, the maximum operating pressure of any liquid petroleum pipeline shall not exceed any of the following:</p> <ol style="list-style-type: none"> <li>(1) the internal design pressure of the pipe as determined in accordance with 49 CFR 195.106;</li> <li>(2) the design pressure of any component of the pipeline;</li> <li>(3) the test pressure divided by 1.5 for a pipeline, or any part thereof, which has been tested in accordance with section 258.6(b) (1) of this Part;</li> <li>(4) 80 percent of the test pressure for a pipeline, or any part thereof, which has been tested in accordance with section 258.6(b) (2) of this Part; or</li> <li>(5) for a pipeline, or any part thereof, which has not been tested in accordance with section 258.6 of this Part, 80 percent of the highest operating pressure to which the pipeline was subjected for four or more continuous hours during the period October 1, 1986 through September 30, 1991, or any successive five-year period thereafter, that is documented by recording charts or records made at the time the operations were conducted.</li> </ol> <p>(b) The pressure in a pipeline during surges or other variations from normal operations shall not exceed 110 percent of the maximum operating pressure established under subdivision (a) of this section. Each corporation must provide adequate controls and protective equipment to control the pressure within this limit.</p> <p><b>§ 258.9 Leak detection system</b></p> <p>Each liquid petroleum pipeline shall have an acceptable automatic leak detection system capable of initiating an alarm at a location that is continuously monitored by personnel employed by the corporation and/or is capable of effecting automatic shutdown of the pipeline.</p>
Enforcement Authority Yes/No	Yes

<b>New York State Department of Public Service, Office of Electric, Gas and Water</b>	
<b>Category</b>	<b>Description</b>
Enforcement Authority Active/Passive	Active
Link	<a href="http://www.dps.ny.gov/">http://www.dps.ny.gov/</a> <a href="http://www3.dps.ny.gov/W/PSCWeb.nsf/ArticlesByTitle/11BFD546CAAC0CED852577E5005F6FBE?OpenDocument">http://www3.dps.ny.gov/W/PSCWeb.nsf/ArticlesByTitle/11BFD546CAAC0CED852577E5005F6FBE?OpenDocument</a> <a href="http://www.dec.ny.gov/docs/materials_minerals_pdf/rdsgeisch80911.pdf">http://www.dec.ny.gov/docs/materials_minerals_pdf/rdsgeisch80911.pdf</a> <a href="http://www.viadata.com/rus32/new_york_pipeline_safety_updates.htm">http://www.viadata.com/rus32/new_york_pipeline_safety_updates.htm</a> <a href="http://www3.dps.ny.gov/N/nycrr16.nsf/364bc4db8005c8b48525702d004a1baf/ce503916ee08fc5f85256fc80051eb78/\$FILE/255.pdf">http://www3.dps.ny.gov/N/nycrr16.nsf/364bc4db8005c8b48525702d004a1baf/ce503916ee08fc5f85256fc80051eb78/\$FILE/255.pdf</a> <a href="http://www3.dps.ny.gov/N/nycrr16.nsf/364bc4db8005c8b48525702d004a1baf/3bc4fd2fa3d78de785256fc800521ce2/\$FILE/258.pdf">http://www3.dps.ny.gov/N/nycrr16.nsf/364bc4db8005c8b48525702d004a1baf/3bc4fd2fa3d78de785256fc800521ce2/\$FILE/258.pdf</a>

**A.20 NORTH DAKOTA**

The North Dakota Public Service Commission is a three person state executive board in the North Dakota state government. The commission regulates electric and gas utilities, telecommunication companies and railroads, and is responsible for siting energy plant and transmission facilities. In North Dakota, OPS regulates, inspects, and enforces interstate gas pipeline safety requirements and regulates, inspects, and enforces both intrastate and interstate liquid pipeline safety requirements. Through certification by OPS, the state of North Dakota regulates, inspects, and enforces intrastate gas pipeline safety requirements. The Department of Mineral Resources, Oil and Gas Division regulates the drilling and production of oil and gas in North Dakota. However, the Mining and Gas and Oil Production statute does not include regulations for gathering lines. Tables A.20A and A.20B present additional information about regulation and enforcement of gathering lines in the state of North Dakota.

Table A.20A – North Dakota Department of Mineral Resources, Oil and Gas Division

<b>North Dakota Department of Mineral Resources, Oil and Gas Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>Department of Mineral Resources, Oil and Gas Division</b>

<b>North Dakota Department of Mineral Resources, Oil and Gas Division</b>	
<b>Category</b>	<b>Description</b>
	The Oil and Gas Division regulates the drilling and production of oil and gas in North Dakota. Our mission is to encourage and promote the development, production, and utilization of oil and gas in the state in such a manner as will prevent waste, maximize economic recovery, and fully protect the correlative rights of all owners to the end that the landowners, the royalty owners, the producers, and the general public realize the greatest possible good from these vital natural resources.
Regulation in Place	<b>North Dakota Century Code, Title 38, Mining and Gas and Oil Production</b>
Summary	<b>North Dakota Century Code, Title 38, Mining and Gas and Oil Production</b>  This title does not include regulations for gathering lines.
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<a href="https://www.dmr.nd.gov/oilgas/">https://www.dmr.nd.gov/oilgas/</a>

Table A.20B – North Dakota Public Service Commission, Testing and Safety Division

<b>North Dakota Public Service Commission, Testing and Safety Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>North Dakota Public Service Commission, Testing and Safety Division</b>  The North Dakota Public Service Commission is a constitutional agency with varying degrees of statutory authority over abandoned mine lands, coal mine reclamation, electric and gas utilities, telecommunications companies, energy conversion facility siting, transmission facility siting, railroads, grain elevators, facility-based grain buyers, roving grain buyers, and hay buyers, auctioneers, auction clerks, weighing and measuring devices, pipeline safety, and underground damage prevention. The Commission's statutory

<b>North Dakota Public Service Commission, Testing and Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p>responsibilities concerning pipelines in North Dakota include enforcement of safety requirements for intrastate distribution and transmission of natural gas.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates, inspects and enforces interstate gas pipeline safety requirements in North Dakota. OPS also regulates, inspects and enforces both intrastate and interstate liquid pipeline safety requirements in North Dakota. Through certification by OPS, the state of North Dakota regulates, inspects, and enforces intrastate gas pipeline safety requirements. This work is performed by the Testing and Safety Division of the North Dakota Public Service Commission.</p>
Regulation in Place	<p><b>North Dakota Administrative Code, Title 69 Public Service Commission</b></p> <p><b>North Dakota Century Code, Title 49 Public Utilities</b></p>
Summary	<p><b>North Dakota Administrative Code, Title 69 Public Service Commission</b></p> <p><b>Article 69-01 General Administration</b></p> <p><b>Chapter 69-01-01 Organization Of Commission</b></p> <p><b>69-01-01-01. Organization and functions of the public service commission.</b></p> <p>1. <b>Jurisdiction.</b> The commission’s duties are prescribed by the legislative assembly. The commission has jurisdiction over railroads, telecommunications companies, pipeline, electric, and heating companies, grain elevators and warehouses, weights and measures, public auctioneers and auction clerks, siting of energy plants and transmission facilities, reclamation of mined lands, and all other public utilities engaged in business in this state.</p>

**North Dakota Public Service Commission, Testing and Safety Division**

<b>Category</b>	<b>Description</b>
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**3. Functions of the divisions.**

e. Public utility division. The public utility division provides technical and administrative assistance to the commission in regulating telecommunications and electric and gas utilities and in siting energy conversion and transmission facilities.

The division makes recommendations on applications for the siting of energy conversion and transmission facilities and on enforcement of commission orders permitting electric power lines, gas pipelines, and electrical generation plants.

The division also responds to complaints, inquiries, and requests for information about activities or companies within the commission’s jurisdiction. It promotes consumer understanding of the regulatory process and facilitates public participation.

g. Testing and safety division. The testing and safety division provides a fair basis for commercial transactions by maintaining the necessary standards of weight, volume, and length. It tests commercial weighing and measuring devices for accuracy to protect both the buyer and seller. It also administers the gas distribution and intrastate pipeline safety program.

**Article 69-09 Public Utility Division**

**Chapter 69-09-03, Gas Pipeline Safety**

**69-09-03-01. Safety.** Gas pipeline facilities used for the intrastate distribution and transmission of gas shall be designed, constructed, and operated to meet the safety standards set forth in regulations of the United States department of transportation adopted in section 69-09-03-02. The commission may require such proof of compliance as it deems necessary.

<b>North Dakota Public Service Commission, Testing and Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p><b>69-09-03-02. Adoption of regulations.</b> The following parts of title 49, Code of Federal Regulations in effect as of June 22, 2011, are adopted by reference:</p> <ol style="list-style-type: none"> <li>1. Part 190 - Department of Transportation Pipeline Safety Enforcement Procedures.</li> <li>2. Part 191 - Department of Transportation Regulations for Transportation of Natural Gas by Pipeline; Reports of Leaks.</li> <li>3. Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards.</li> <li>4. Part 199 - Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquids Pipelines</li> </ol> <p><b>North Dakota Century Code, Title 49 Public Utilities</b></p> <p><b>Chapter 49-01 Public Service Commission</b></p> <p><b>49-01-02. Public service commission - How constituted.</b></p> <p>The three persons elected public service commissioners, pursuant to the provisions of article V, section 2, of the Constitution of North Dakota, constitute and shall be known and designated as the public service commission of the state of North Dakota. They shall elect one of their number chairman of the commission and shall appoint a secretary.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Active
Link	<a href="http://www.psc.nd.gov/">http://www.psc.nd.gov/</a>

North Dakota Public Service Commission, Testing and Safety Division	
Category	Description
	<a href="http://www.psc.nd.gov/jurisdiction/pipelines/index.php">http://www.psc.nd.gov/jurisdiction/pipelines/index.php</a> <a href="http://www.legis.nd.gov/information/acdata/pdf/69-01-01.pdf">http://www.legis.nd.gov/information/acdata/pdf/69-01-01.pdf</a> <a href="http://www.psc.nd.gov/public/laws/lawspipelines.php">http://www.psc.nd.gov/public/laws/lawspipelines.php</a> <a href="http://www.psc.nd.gov/docs/go-1-about-the-commission.pdf">http://www.psc.nd.gov/docs/go-1-about-the-commission.pdf</a> <a href="http://www.legis.nd.gov/cencode/t49c01.pdf">http://www.legis.nd.gov/cencode/t49c01.pdf</a>

**A.21 OHIO**

The Ohio Public Utilities Commission investigators inspect each natural gas pipeline system in the state at least once every two years and review records and procedures implemented by utilities. In Ohio, OPS regulates, inspects, and enforces both intrastate and interstate liquid pipeline safety requirements and regulates and enforces interstate gas pipeline safety requirements. Through certification by OPS, the state of Ohio regulates, inspects, and enforces intrastate gas pipeline safety requirements. By signed agreement with OPS, Ohio also inspects interstate gas pipeline safety requirements. This work is performed by the Gas Pipeline Safety Section of the Public Utilities Commission of Ohio. The Ohio Department of Natural Resources, Division of Mineral Resource Management regulates pipelines involved in the operation of wells; for example, pipelines used to transport oil to the storage tank or gas to a point of delivery for the purpose of sale. Tables A.21A and A.21B present additional information about regulation and enforcement of gathering lines in the state of Ohio.

Table A.21A – Ohio Department of Natural Resources, Division of Mineral Resource Management

Ohio Department of Natural Resources, Division of Mineral Resource Management	
Category	Description
State Agency	<p><b>Department of Natural Resources, Division of Mineral Resource Management</b></p> <p>In October 2011, the Oil and Gas Program, formerly under the Division of Mineral Resources Management, became a stand-alone division within the Ohio Department of Natural Resources. Since 1965, staff has effectively regulated oil and gas production in this state. The division is responsible for regulating the permitting, drilling and production of Ohio’s oil and natural</p>



<b>Ohio Department of Natural Resources, Division of Mineral Resource Management</b>	
<b>Category</b>	<b>Description</b>
	<p>gas resources. The division also plugs abandoned oil and gas wells, ensures protection of freshwater resources, and maintains a comprehensive database of Ohio’s production wells. Expertise is provided by a professional staff of geologists, soil scientists and hydrogeologists. Program support services include permitting, hydrology, bonding, field inspection and enforcement, and administration support.</p> <p>The Division of Mineral Resource Management regulates pipelines involved in the operation of the well; for example, pipelines used to transport oil to the storage tank or gas to a point of delivery for the purpose of sale. The Ohio Public Utilities Commission regulates transmission pipelines.</p>
Regulation in Place	<p><b>Ohio Administrative Code</b></p> <p><b>1501:9 Division of Mineral Resources Management - Oil and Gas</b></p>
Summary	<p><b>Ohio Administrative Code</b></p> <p><b>1501:9 Division of Mineral Resources Management – Oil and Gas</b></p> <p><b>Chapter 1501:9-10 Pipelines</b></p> <p><b>1501:9-10-1 Definitions.</b></p> <p>(A) “Pipelines utilized in the actual drilling of oil and/or natural gas wells” means any pipeline used solely for the temporary purpose of supplying fuel to drilling or servicing rigs and their auxiliary equipment while engaged in the process of drilling, completing or servicing an oil and/or natural gas well.</p> <p>(B) “Pipelines utilized in the operation of oil and/or natural gas wells” means any pipeline used solely for the purpose of supplying fuel to pump</p>

**Ohio Department of Natural Resources,  
Division of Mineral Resource Management**

<b>Category</b>	<b>Description</b>
	<p>engines, tank or mechanical heaters or other devices necessary to the mechanical operation of an oil and/or natural gas well.</p> <p>(C) “Pipelines used in the producing of oil and/or natural gas wells” means any pipeline used to produce oil and/or natural gas for sale or to transport to storage tanks or a point of delivery for the purpose of sale.</p> <p>(D) “Pipelines used to transport leasehold gas” means any pipeline used solely for the purpose of transporting gas from the leasehold facilities, to points or places where said gas may be utilized on said premises.</p> <p>(E) “Exempt from burial” means any pipeline used solely for the purpose of transporting oil or gas from the leasehold facilities shall be laid on the surface of the ground.</p> <p><b>1501:9-10-03 Identification and location of pipelines</b></p> <p>Excluding all pipelines utilized in the actual drilling or operation of oil and/or natural gas well(s) and pipelines used to transport leasehold gas, no person shall operate or cause to be operated an oil and/or natural gas pipeline used in the producing of oil and/or natural gas wells without first identifying the route of the pipeline on the surface of the ground in a manner customary to the industry. An accurate record or sketch showing the location, identification, type, and size of pipelines shall be kept on file at an office of an owner or the operator of the pipeline. Any changes in the location, identification, type, and size of pipelines shall be shown on a revised record or sketch and kept on file at an office of an owner of the pipeline.</p> <p><b>1501:9-10-04 Strength of pipelines.</b></p> <p>All pipelines and fittings appurtenant thereto used in the drilling, operating</p>

**Ohio Department of Natural Resources,  
Division of Mineral Resource Management**

Category	Description
	<p>or producing of oil and/or natural gas well(s) shall be designed for at least the greatest anticipated operating pressure or the maximum regulated relief pressure in accordance with the current recognized design practices of the industry.</p> <p><b>1501:9-10-05 Burial of pipelines.</b></p> <p>(A) Metallic and nonmetallic pipelines. Excluding all pipelines utilized in the actual drilling or operation of oil and/or natural gas well(s) and pipelines used to transport leasehold gas. No person shall lay an oil and/or natural gas pipeline used in the producing of oil and/or natural gas wells that is constructed of metallic or nonmetallic materials unless such pipeline is buried at least twenty-four inches below the ground surface. The owner of such pipeline under this paragraph shall be exempt from such burial requirements if he finds that:</p> <ol style="list-style-type: none"> <li>(1) The land across which the pipeline is to be laid is not reasonably expected to be under cultivation; or</li> <li>(2) The pipeline can be buried with less than twenty-four inches of cover with minimal risk of safety or environmental damage; or</li> <li>(3) The topographical features or ground conditions prevent the efficient burial of pipelines; or</li> <li>(4) The terms of the oil and gas lease prohibit the burial of pipelines or permit surface installation.</li> </ol> <p><b>1501:9-10-06 Exceptions.</b></p> <p>Rules <a href="#">1501:9-10-01</a> to 1501:9-10-06 of the Administrative Code shall not apply to any pipelines in existence prior to the effective date of these rules. However, the chief of the Division of Mineral Resources Management shall have the authority to issue corrective orders with respect to those pipelines, when, by actual incident, the chief finds them to be hazardous or dangerous.</p>
Enforcement	Yes

<b>Ohio Department of Natural Resources, Division of Mineral Resource Management</b>	
<b>Category</b>	<b>Description</b>
Authority Yes/No	
Enforcement Authority Active/Passive	Active
Link	<a href="http://codes.ohio.gov/oac/1501%3A9-10">http://codes.ohio.gov/oac/1501%3A9-10</a> <a href="http://www.ohiodnr.com/mineral/oil/tabid/10371/default.aspx">http://www.ohiodnr.com/mineral/oil/tabid/10371/default.aspx</a> <a href="http://www.ohiodnr.com/mineral/program/tabid/17865/default.aspx">http://www.ohiodnr.com/mineral/program/tabid/17865/default.aspx</a>

Table A.21B – Public Utilities Commission of Ohio, Gas Pipeline Safety Section

<b>Ohio Public Utilities Commission, Gas, Pipeline Safety Section</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Public Utilities Commission of Ohio, Gas Pipeline Safety Section</b></p> <p>The Public Utilities Commission investigators inspect each natural gas pipeline system in the state at least once every two years and review records and procedures implemented by utilities. When violations are detected, the Public Utilities Commission orders corrective action and may assess fines and other penalties to ensure that Ohio’s natural gas pipeline systems continue to deliver natural gas safely and reliably.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates, inspects and enforces both intrastate and interstate liquid pipeline safety requirements in Ohio. OPS also regulates and enforces interstate gas pipeline safety requirements in Ohio. Through certification by OPS, the state of Ohio regulates, inspects, and enforces intrastate gas pipeline safety requirements. By signed agreement with OPS, Ohio also inspects interstate gas pipeline safety requirements. This work is</p>

<b>Ohio Public Utilities Commission, Gas, Pipeline Safety Section</b>	
<b>Category</b>	<b>Description</b>
	performed by the Gas Pipeline Safety Section of the Public Utilities Commission of Ohio.
Regulation in Place	<p><b>Ohio Revised Code, Title [49] XLIX Public Utilities, Chapter 4905: Public Utilities Commission – General Powers</b></p> <p><b>Ohio Administrative Code</b></p> <p><b>4901:1 Utilities, Chapter 4901:1-16 Gas Pipeline Safety</b></p>
Summary	<p><b>Ohio Revised Code, Title [49] XLIX Public Utilities, Chapter 4905: Public Utilities Commission – General Powers</b></p> <p><b>Section 4905.90 Natural gas pipeline safety standards definitions.</b></p> <p>As used in sections 4905.90 to 4905.96 of the Revised Code:</p> <p>(C) “Gathering line” and the “gathering of gas” have the same meaning as in the Natural Gas Pipeline Safety Act and the rules adopted by the United States department of transportation pursuant to the Natural Gas Pipeline Safety Act, including 49 C.F.R. part 192, as amended.</p> <p><b>Section 4905.91 Intrastate gas pipe-lines.</b></p> <p>For the purpose of protecting the public safety with respect to intrastate pipe-lines used by any operator:</p> <p>(A) The public utilities commission shall:</p> <p>(1) Adopt, and may amend or rescind, rules to carry out sections 4905.90 to 4905.96 of the Revised Code, including rules concerning pipe-line safety, drug testing, and enforcement procedures. The commission shall adopt these rules only after notice and opportunity for public comment. The rules adopted under this division and any</p>

<b>Ohio Public Utilities Commission, Gas, Pipeline Safety Section</b>	
<b>Category</b>	<b>Description</b>
	<p>orders issued under sections 4905.90 to 4905.96 of the Revised Code constitute the pipe-line safety code. The commission shall administer and enforce that code.</p> <p>(2) Make certifications and reports to the United States department of transportation as required under the Natural Gas Pipeline Safety Act;</p> <p>(3) Perform all regulatory and enforcement duties required under sections 4905.90 to 4905.96 of the Revised Code.</p> <p>(B) The commission may:</p> <p>(1) Investigate any service, act, practice, policy, or omission by any operator to determine its compliance with sections 4905.90 to 4905.96 of the Revised Code and the pipe-line safety code;</p> <p>(2) Investigate any intrastate pipe-line transportation facility to determine if it is hazardous to life or property, as provided in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1679b(b)(2) and (3);</p> <p>(3) Investigate the existence or report of any safety-related condition that involves any intrastate pipe-line transportation facility;</p> <p>(C) With the exception of gas gathering pipelines and processing plant gas stub pipelines, the commission’s regulation of gathering lines shall conform to the regulation of gathering lines in 49 C.F.R. 192 and 199, as amended, and the commission’s annual certification agreements with the United States department of transportation, except that rule 4901:1-16-03, paragraph (D) of rule 4901:1-16-05, and rule 4901:1-16-06 of the Ohio Administrative Code shall also apply to gathering lines. The procedural rules under chapter 4901:1-16 of the Ohio Administrative Code shall also apply to operators of gathering lines that are not gathering pipelines or processing plant gas stub pipelines.</p> <p><b>Ohio Administrative Code</b></p> <p><b>4901:1 Utilities, Chapter 4901:1-16 Gas Pipeline Safety</b></p>

**Ohio Public Utilities Commission, Gas, Pipeline Safety Section**

Category	Description
	<p><b>Chapter 4901:1-16-01 Definitions</b></p> <p>As used in this chapter:</p> <p>(A) “Chief” means the chief of the gas pipeline safety section of the commission or his/her designee.</p> <p>(B) “Commission” means the public utilities commission of Ohio.</p> <p>(E) “Gathering line” is determined in the same manner as in 49 C.F.R. 192.8 as effective on the date referenced in paragraph (D) of rule 4901:1-16-02 of the Administrative Code.</p> <p>(H) “Intrastate gas pipeline facility” includes any new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas either wholly or partly within this state or from an interstate gas pipeline in Ohio to a direct sales customer in Ohio buying gas for its own consumption.</p> <p>(L) “Pipeline” means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.</p> <p>(R) “Transportation of gas” means:</p> <ol style="list-style-type: none"> <li>(1) The gathering, transmission, or distribution of gas by pipeline, or the storage of gas within this state.</li> <li>(2) The movement of gas through regulated gathering lines, but does not include the gathering of gas in those rural locations that are located outside the limits of any incorporated or unincorporated</li> </ol>

<b>Ohio Public Utilities Commission, Gas, Pipeline Safety Section</b>	
<b>Category</b>	<b>Description</b>
	<p>city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area.</p> <p><b>4901:1-16-03 <u><a href="#">Adoption of United States department of transportation gas pipeline safety regulations.</a></u></b></p> <p>(A) The commission hereby adopts the gas pipeline safety regulations of the United States department of transportation contained in 49 C.F.R. 40, 191, 192 and 199 as effective on the date referenced in paragraph (D) of rule 4901:1-16-02 of the Administrative Code.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Active
Link	<p><a href="http://www.puco.ohio.gov/puco/index.cfm/consumer-information/consumer-topics/natural-gas-pipeline-safety-in-ohio/">http://www.puco.ohio.gov/puco/index.cfm/consumer-information/consumer-topics/natural-gas-pipeline-safety-in-ohio/</a></p> <p><a href="http://codes.ohio.gov/oac/4901%3A1-16">http://codes.ohio.gov/oac/4901%3A1-16</a></p> <p><a href="http://codes.ohio.gov/orc/4905.91">http://codes.ohio.gov/orc/4905.91</a></p>

**A.22 OKLAHOMA**

The Pipeline Safety Department administers the Oklahoma Corporation Commission's intrastate regulatory program to assure the safe transportation of natural gas, petroleum, and other hazardous materials by pipeline. The Commission develops regulations and other approaches to assure safety in design, construction, testing, operation, maintenance, and emergency response to pipeline facilities. In Oklahoma, OPS inspects, regulates, and enforces interstate gas and liquid pipeline safety requirements. Through certification by OPS, the state of Oklahoma regulates, inspects, and enforces intrastate gas and liquid pipeline safety requirements. The Oklahoma Corporation Commission, Oil and Gas Division provides information, permitting, investigation, and compliance services to the oil and gas industry, mineral interests, landowners, and the



general public. According to Oklahoma Corporation Commission regulations, operations involving gathering, storing, and transporting stabilized liquid hydrocarbons require safeguards to protect the general public from the harmful effects of H<sub>2</sub>S. Tables A.22A and A.22B present additional information about regulation and enforcement of gathering lines in the state of Oklahoma.

Table A.22A – Oklahoma Corporation Commission, Oil and Gas Division

<b>Oklahoma Corporation Commission, Oil and Gas Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Oklahoma Corporation Commission, Oil and Gas Division</b></p> <p>The mission of the Corporation Commission, Oil and Gas Division is to provide information, permitting, investigation, and compliance services to the oil and gas industry, mineral interests, landowners, and the general public so together we can develop the oil and gas resources of the state in a fair and orderly manner while protecting the environment and ensuring public safety.</p> <p>The mission of the Technical Services Department is to balance the rights of all parties, assist the domestic oil and gas industry, protect and preserve the environment, and prevent the waste of the state's natural resources by ensuring compliance with the applicable laws and rules; processing applicable applications and permits; and collecting, verifying, maintaining and disseminating accurate information for the regulated industry, surface and mineral owners, along with other governmental agencies and the people we serve.</p>
Regulation in Place	<p><b>Oklahoma Administrative Code (OAC), Title 165 – Corporation Commission, Chapter 10: Oil and Gas Conservation</b></p>
Summary	<p><b>Oklahoma Administrative Code (OAC), Title 165 – Corporation Commission, Chapter 10: Oil and Gas Conservation</b></p> <p><b>Subchapter 3. Drilling, Developing, and Producing</b>  <b>Part 3. Completions</b></p> <p><b>165:10-3-16. Operation in hydrogen sulfide areas</b></p> <p>(a) <b>Applicability.</b> Each operator who conducts operations as described in this subsection shall be subject to this Section and shall provide safeguards to protect the general public from the harmful effects of hydrogen sulfide:</p> <p>(1) Operations including drilling, working over, producing, injecting, gathering, processing, transporting, and storage of hydrocarbon fluids that are part of, or directly related to, field production, transportation, and handling of hydrocarbon fluids that contain gas in the system which has hydrogen sulfide as a constituent of the gas to the extent as specified in (b)</p>

**Oklahoma Corporation Commission, Oil and Gas Division**

<b>Category</b>	<b>Description</b>
	<p>of this Section.</p> <p>(2) This Section shall not apply to:</p> <p>(A) Operations involving processing oil, gas, or hydrocarbon fluids which are either an industrial modification or products from industrial modifications, such as refining, petrochemical plants, or chemical plants.</p> <p>(B) Operations involving gathering, storing, and transporting stabilized liquid hydrocarbons.</p> <p>(C) Operations where the concentration of hydrogen sulfide in the system is less than 100 PPM.</p> <p><b>Subchapter 7. Pollution Abatement</b></p> <p><b>Part 3. Storage and Disposal of Fluids</b></p> <p><b>165:10-7-24. Waste management practices reference chart</b></p> <p>(b) <b>Waste materials and disposal options.</b> Consistent with EPA's policy on source reduction, recycling, treatment and proper disposal, operators shall use waste management practices as listed in (c) of this Section which describes the various management practices for the following waste materials. For any of the following waste materials where option (16) of subsection (c) is listed, option (16) shall be considered before any other option.</p> <p>(29) Pit sludges from wellsites, disposal well pits and gathering systems: Options 1, 3, 4, 7, 8, 12, 17 &amp; 20</p> <p>(30) Gathering line pigging wastes: Options 1, 3, 7 &amp; 20</p>

<b>Oklahoma Corporation Commission, Oil and Gas Division</b>	
<b>Category</b>	<b>Description</b>
	(39) Pipeline sludge and other deposits removed from pipe or equipment on E&P gathering systems: Options 1, 3, 7, 8, 10, 17 & 20
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Passive
Link	<a href="http://www.occeweb.com/og/oghome.htm">http://www.occeweb.com/og/oghome.htm</a> <a href="http://www.occeweb.com/rules/rulestxt.htm">http://www.occeweb.com/rules/rulestxt.htm</a> <a href="http://www.occeweb.com/og/ogtech.htm">http://www.occeweb.com/og/ogtech.htm</a> <a href="http://www.oscn.net/applications/oscn/Index.asp?ftdb=STOKST52&amp;level=1">http://www.oscn.net/applications/oscn/Index.asp?ftdb=STOKST52&amp;level=1</a> <a href="http://www.occeweb.com/rules/Web%20Ready%20Ch10%20FY13%2007-01-12%20searchable.pdf">http://www.occeweb.com/rules/Web%20Ready%20Ch10%20FY13%2007-01-12%20searchable.pdf</a>

Table A.22B – Oklahoma Corporation Commission, Pipeline Safety Department

<b>Oklahoma Corporation Commission, Pipeline Safety Department</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Oklahoma Corporation Commission, Pipeline Safety Department</b></p> <p>The Pipeline Safety Department administers the Oklahoma Corporation Commission's intrastate regulatory program to assure the safe transportation of natural gas, petroleum, and other hazardous materials by pipeline. The Commission develops regulations and other approaches to assure safety in design, construction, testing, operation, maintenance, and emergency response to pipeline facilities. The Commission derives its authority over <i>intrastate</i> pipeline operations through state statutes and certification agreements with the U.S. Department of Transportation.</p> <p>The Commission's safety jurisdiction over pipelines covers more than 240 intrastate gathering, transmission, and distribution operators and 16 <i>intrastate</i> hazardous liquid operators. More than 39,000 miles of pipeline</p>

<b>Oklahoma Corporation Commission, Pipeline Safety Department</b>	
<b>Category</b>	<b>Description</b>
	<p>are subject to the Commission's jurisdiction.</p> <p>The Department currently has 11 employees working within the gas and hazardous liquid pipeline safety programs to carry out the mandated regulatory and enforcement responsibilities of the Oklahoma Corporation Commission.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate gas and liquid pipeline safety requirements in Oklahoma. Through certification by OPS, the state of Oklahoma regulates, inspects, and enforces intrastate gas and liquid pipeline safety requirements.</p>
Regulation in Place	<p><b>Oklahoma Statutes Citationized, Title 52. Oil and Gas, Chapter 1 - Gas Pipelines and Companies, Hazardous Liquid Transportation System Safety Act</b></p> <p><b>Oklahoma Statutes Citationized, Title 52. Oil and Gas, Chapter 1 - Gas Pipelines and Companies, Pipelines (Act of 1907)</b></p> <p><b>Oklahoma Administrative Code (OAC), Title 165 – Corporate Commission, Chapter 20 – Gas and Hazardous Liquid Pipeline Safety</b></p>
Summary	<p><b>Oklahoma Statutes Citationized, Title 52. Oil and Gas, Chapter 1 - Gas Pipelines and Companies, Hazardous Liquid Transportation System Safety Act</b></p> <p><b>Section 47.3 - Commission's Powers and Duties</b></p> <p>The Corporation Commission shall have the power and duty to:</p> <p>1. Establish, administer, and enforce safety standards for the design, construction, maintenance, and operation of all transportation systems for hazardous liquid;</p>

**Oklahoma Corporation Commission, Pipeline Safety Department**

<b>Category</b>	<b>Description</b>
	<p>2. Advise, consult, and cooperate with other agencies of this state, the federal government, other states, interstate agencies, political subdivisions, and industries, as may be necessary for the discharge of the duties of the Commission pursuant to the provisions of the Hazardous Liquid Transportation System Safety Act;</p> <p>3. Accept and administer loans and grants from the federal government and from other sources, public or private, for implementing the provisions of the Hazardous Liquid Transportation System Safety Act;</p> <p>4. Adopt, modify, repeal, promulgate, and enforce rules implementing or effectuating the powers and duties of the Commission pursuant to the provisions of the Hazardous Liquid Transportation System Safety Act, provided such rules and regulations shall not exceed those found in 49 CFR, Part 195, as provided for by P.L. 96-129; provided that, the Commission shall not promulgate, enforce or interpret any rule or regulation unless such rule, regulation or interpretation shall be consistent with and no more restrictive than the applicable rules, regulations and interpretations of the United States Secretary of Transportation; provided further that, the Commission shall not apply or enforce any interpretation of its rules against any operator for any practice, policy or conduct that complies with a written procedure to minimize the hazard resulting from a hazardous liquid or carbon dioxide pipeline emergency when that procedure has been annually updated and approved by the United States Secretary of Transportation;</p> <p>5. Make periodic investigations and inspections of hazardous liquid transportation systems to ensure compliance with the provisions of the Hazardous Liquid Transportation System Safety Act and rules promulgated by the Commission pursuant to the provisions of the Hazardous Liquid Transportation System Safety Act;</p> <p>6. Require the submission of plans, specifications, and other data relative to hazardous liquid transportation systems, and review said plans, specifications, and other data. All data filed as confidential shall be</p>

**Oklahoma Corporation Commission, Pipeline Safety Department**

<b>Category</b>	<b>Description</b>
	<p>maintained as confidential and shall not be subject to the provisions of the Oklahoma Open Records Act. Only authorized Commission employees may access such confidential data;</p> <p>7. Approve or disapprove written safety plans for the inspection and maintenance of said transportation systems;</p> <p>8. Require reports from all persons operating or owning a hazardous liquid transportation system;</p> <p>9. Require the maintenance of records relating to the operation of hazardous liquid transportation systems;</p> <p>10. Institute or cause to be instituted any necessary legal proceedings in any court of competent jurisdiction for an injunction or other appropriate relief to enforce the provisions of the Hazardous Liquid Transportation System Safety Act; and</p> <p>11. Exercise all incidental powers which are necessary and proper to perform the duties of the Commission pursuant to the provisions of the Hazardous Liquid Transportation System Safety Act.</p> <p><b>Oklahoma Statutes Citationized, Title 52. Oil and Gas, Chapter 1 - Gas Pipelines and Companies, Pipelines (Act of 1907)</b></p> <p><b>Section 5 - Construction and Operation of Pipelines - Safety Regulations - Markers - Personnel – Expenses</b></p> <p>A. The Corporation Commission is hereby authorized, directed and empowered to promulgate, adopt and enforce reasonable rules establishing minimum state safety standards for the design, construction, maintenance and operation of all pipelines used for the transmission and distribution of natural gas in this state. However, except as otherwise provided in subsection B of this section, the Commission shall not promulgate, enforce</p>

**Oklahoma Corporation Commission, Pipeline Safety Department**

<b>Category</b>	<b>Description</b>
	<p>or interpret any rule or regulation unless such rule, regulation or interpretation shall be consistent with and no more restrictive than the rules, regulations and interpretations of the United States Secretary of Transportation for pipeline transportation and pipeline facilities. When any such transmission pipeline shall be constructed, operated or maintained under, through and across a highway, section-line road or improved public road or street, there shall be erected directly above where such pipeline enters or leaves said highway, section-line road or improved public road or street, a suitable sign or marker stating thereon the name of the owner of such pipeline and such other information as the Corporation Commission may by rule direct.</p> <p>B. The Commission is authorized and directed to promulgate and enforce reasonable rules relating to an incident on a gathering pipeline unit not subject to the U.S. Department of Transportation Pipeline Safety Regulations, codified at 49 CFR Parts 191 and 192, provided that such rules of the Commission are limited to the following specified areas: telephonic notification of and a written report about the incident which shall be consistent with and require no more information than the rules, regulations and interpretations issued by the U.S. Department of Transportation Pipeline Safety Regulations relating to the reporting of incidents, maps depicting the location of the incident, and reasonable corrective measures to the gathering pipeline unit involved in the incident.</p> <p>C. For the purposes of this section:</p> <ol style="list-style-type: none"><li>1. "Incident" shall have the same meaning as it is defined in the U.S. Department of Transportation, Pipeline Safety Regulations; and</li><li>2. "Gathering pipeline unit" means the portion of the nonregulated gathering pipeline involved in the incident not to exceed one mile of pipeline.</li></ol> <p>D. If contacted by any other entity or person regarding an incident, as defined in paragraph 1 of subsection C of this section, the Commission may disclose to such entity or person the time, date and location of the incident, the identity of the operator involved in the incident, the size of the gathering pipeline involved and the number of fatalities or injuries, if any, resulting from the incident.</p>



<b>Oklahoma Corporation Commission, Pipeline Safety Department</b>	
<b>Category</b>	<b>Description</b>
	<p>E. With the exception of the information outlined in subsection D of this section, all reports, data, maps or other information which the Commission may be authorized to obtain under the provisions of this section may be filed as confidential and the Commission shall maintain them as confidential and such records shall not be subject to the provisions of the Oklahoma Open Records Act. Only authorized Commission employees may obtain or access such confidential records.</p> <p>F. The Corporation Commission may appoint a registered professional engineer with actual experience in the design, construction, maintenance or operation of natural gas pipelines, and such other personnel as may be provided by law, to carry out the provisions of Section 1 et seq. of this title. Such engineer shall be furnished with personnel, supplies and equipment as may be necessary to carry out the provisions of Section 1 et seq. of this title. The expenses of any inspection shall be borne and paid for by the parties laying and constructing or operating such pipelines for the transportation or transmission of natural gas.</p> <p><b>Oklahoma Administrative Code (OAC), Title 165 – Corporation Commission, Chapter 20 – Gas and Hazardous Liquid Pipeline Safety</b></p> <p><b>Subchapter 5 Safety Regulations for Gas Pipelines</b></p> <p><b>Part 5. Minimum Safety Standards for Gas</b></p> <p><b>165:20-5-21. Adoption of federal safety regulations</b></p> <p>The Commission adopts the provisions of 49 C.F.R. Part 192, as such exist on January 1, 2011, and all those amendments and appendices adopted thereafter, subject to the following amendments:</p> <p>(1) 49 C.F.R. § 192.1 is replaced by the following:</p> <p style="padding-left: 40px;">(A) This Part prescribes minimum safety requirements for intrastate pipeline facilities and the transportation of gas subject to the jurisdiction of the Commission.</p> <p style="padding-left: 40px;">(B) This Part shall not apply to:</p> <p style="padding-left: 80px;">(i) Interstate transmission facilities; and</p>

**Oklahoma Corporation Commission, Pipeline Safety Department**

<b>Category</b>	<b>Description</b>
	<p>(ii) Onshore gathering of gas through a pipeline that operates at less than 0 psig or through a pipeline that is not a regulated onshore gathering line as determined by 49 C.F.R. § 192.8.</p> <p>(2) The definition of "Administrator" and "State" are deleted and replaced as follows:</p> <p>(A) All references to the ""Administrator" are replaced with the "Commission".</p> <p>(B) All references to the "State" refer to the State of Oklahoma.</p> <p><b>Subchapter 7 Safety Regulations for Hazardous Liquids</b></p> <p><b>165:20-7-1. Adoption of federal safety and reporting regulations</b></p> <p>The Commission adopts the provisions of 49 C.F.R. Part 195, as such exist on January 1, 2011, and all those amendments and appendices adopted thereafter subject to the following amendments:</p> <p>(1) 49 C.F.R. § 195.0 is replaced by the following: "This Part prescribes safety standards and accident reporting requirements for pipeline facilities used in the intrastate transportation of hazardous liquids subject to the jurisdiction of the Commission."</p> <p>(2) 49 C.F.R. § 195.1(a) is replaced by the following: "Except as provided in paragraph (b) of 49 C.F.R. § 195.1(b), this Part applies to pipeline facilities and the transportation of hazardous liquids associated with those facilities used in the intrastate transportation of hazardous liquids subject to the jurisdiction of the Commission."</p> <p>(3) The definition of "Administrator" shall be deleted and all references to the "Administrator" are replaced with the "Commission".</p> <p>(4) 49 C.F.R. § 195.52(b) is replaced by the following: "(b) Reports made under paragraph (a) of 49 C.F.R. § 195.52(a) are made by telephone to 405-521-2258 (Pipeline Safety Department in Oklahoma City, OK) and 800-424-8802 (in Washington, D.C. 462-2675), and must include the following information:</p> <p>(A) Name and address of the operator.</p> <p>(B) Name and telephone number of the reporter.</p> <p>(C) The location of the failure.</p> <p>(D) The time of the failure.</p> <p>(E) The fatalities and personal injuries, if any.</p>

<b>Oklahoma Corporation Commission, Pipeline Safety Department</b>	
<b>Category</b>	<b>Description</b>
	<p>(F) All other significant facts known by the operator that are relevant to the cause of the failure or extent of the damages."</p> <p>(5) 49 C.F.R. § 195.54(a) is replaced by the following: "Each carrier that experiences an accident that is required to be reported under this subpart, as soon as practicable but not later than 30 days after discovery of the accident, shall prepare and file an accident report on DOT Form 7000-1, or a facsimile, with the Pipeline Safety Department, Oklahoma Corporation Commission, in accordance with OAC 165:20-1-6 of this Chapter, and the Information Resources Manager, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590."</p> <p>(6) 49 C.F.R. § 195.54(b) is replaced by the following: "Whenever an operator receives any changes in the information reported or additions to the original report on DOT Form 7000-1, it shall file a supplemental report within 30 days with the Pipeline Safety Department, Oklahoma Corporation Commission, in accordance with OAC 165:20-1-6 of this Chapter, and the Information Resources Manager, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590."</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>Oklahoma Administrative Code (OAC), Title 165 – Corporation Commission, Chapter 20 – Gas and Hazardous Liquid Pipeline Safety</b></p> <p><b>Subchapter 13. Enforcement</b></p> <p><b>Part 1. General</b></p> <p><b>165:20-13-1. Scope and fines</b></p> <p>This Subchapter prescribes the procedures utilized by the Oklahoma Corporation Commission in carrying out its responsibilities regarding pipeline safety under 52 O.S. 1981, Section 5 and 52 O.S. Supp. Sections 47.1 through 47.8, and is designed to utilize enforcement procedures already in place by hereby adopting the Commission's Rules of Practice,</p>

<b>Oklahoma Corporation Commission, Pipeline Safety Department</b>	
<b>Category</b>	<b>Description</b>
	<p>OAC 165:5, that are pertinent and necessary to carry out the enforcement of pipeline safety rules and regulations.</p> <p>(1) For each violation of a Commission rule in Subchapters 5 and 10, the Commission may issue an order pursuant to 17 O.S. Section 1 et seq. fining an operator up to ten thousand dollars (\$10,000.00) per day plus prosecution costs for each violation for each day the violation continues provided that the maximum fine shall not exceed five hundred thousand dollars (\$500,000.00) for any related series of violations.</p> <p>(2) For each violation of a Commission rule for hazardous liquid pipelines, the Commission may issue an order pursuant to 52 O.S. Section 47.6 et seq. fining an operator up to ten thousand dollars (\$10,000.00) per day plus prosecution costs for each day the violation continues provided that the maximum fine shall not exceed five hundred thousand dollars (\$500,000.00) for any related series of violations.</p> <p><b>Subchapter 13. Enforcement</b></p> <p><b>Part 3. Procedure</b></p> <p><b>165:20-13-11. General enforcement authority and sanctions</b></p> <p>(a) This Subchapter describes the enforcement authority and sanctions exercised by the Oklahoma Corporation Commission Pipeline Safety Department for achieving and maintaining pipeline safety. It also prescribes the procedures governing the exercise of that authority and the imposition of those sanctions, all of which include and supplement the applicable Commission Rules of Practice, OAC 165:5.</p> <p>(b) A person who is the subject of action pursuant to this Subchapter may be represented by legal counsel at all stages of the proceeding.</p> <p>(c) If respondent does not file a response prior to the hearing date or does not enter an appearance at the hearing, a confession of the allegations may be rendered in accordance with OAC 165:5-19-1(c) (5), and judgment may be rendered in accordance with OAC 165:5-19-1(f).</p> <p><b>Oklahoma Statutes Citationized, Title 52. Oil and Gas, Chapter 1 - Gas Pipelines and Companies, Hazardous Liquid Transportation System Safety Act</b></p>

**Oklahoma Corporation Commission, Pipeline Safety Department**

<b>Category</b>	<b>Description</b>
	<p><b>Section 47.3 - Commission's Powers and Duties</b></p> <p>The Corporation Commission shall have the power and duty to:</p> <ol style="list-style-type: none"><li>1. Establish, administer, and enforce safety standards for the design, construction, maintenance, and operation of all transportation systems for hazardous liquid;</li></ol> <p><b>Section 47.6 - Penalties for Violations of Act</b></p> <p>A. Any person who has been determined by the Commission to have violated any provisions of the Hazardous Liquid Transportation System Safety Act or any rule, regulation, or order issued pursuant to the provisions of the Hazardous Liquid Transportation System Safety Act shall be liable for an administrative penalty of not more than Ten Thousand Dollars (\$10,000.00) for each day that said violation continues. The maximum administrative penalty shall not exceed Five Hundred Thousand Dollars (\$500,000.00) for any related series of violations.</p> <p>B. 1. The amount of the penalty shall be assessed by the Commission pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Commission shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the Hazardous Liquid Transportation System Safety Act.</p> <p>2. All penalties collected pursuant to the provisions of this subsection shall be deposited in the Pipeline Enforcement Fund.</p> <p>C. Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any hazardous liquid transportation system, upon conviction thereof, shall be guilty of a felony and shall be subject for</p>

<b>Oklahoma Corporation Commission, Pipeline Safety Department</b>	
<b>Category</b>	<b>Description</b>
	each offense to a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), imprisonment for a term not less than five (5) years and not to exceed fifteen (15) years, or by both such fine and imprisonment.
Link	<a href="http://www.occeweb.com/tr/PLSHome.htm">http://www.occeweb.com/tr/PLSHome.htm</a> <a href="http://www.occeweb.com/rules/CH20eff070111searchable.pdf">http://www.occeweb.com/rules/CH20eff070111searchable.pdf</a> <a href="http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=80452">http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=80452</a> <a href="http://www.oscn.net/applications/oscn/index.asp?level=1&amp;ftdb=STOKST52&amp;year=">http://www.oscn.net/applications/oscn/index.asp?level=1&amp;ftdb=STOKST52&amp;year=</a>

### **A.23 PENNSYLVANIA**

In Pennsylvania, OPS regulates and inspects the intrastate and interstate hazardous liquid pipeline operators and the interstate gas transmission operators. Through certification by OPS, the state of Pennsylvania regulates and inspects the intrastate gas pipeline operators in Pennsylvania. The Public Utilities Commission is authorized to enforce Federal safety standards as an agent for OPS. The Office of Oil and Gas Management is responsible for the statewide oil and gas conservation and environmental programs to facilitate the safe exploration, development, recovery of Pennsylvania's oil and gas reservoirs in a manner that will protect the commonwealth's natural resources and the environment. The office develops policy and programs for the regulation of oil and gas development and production pursuant to the Oil and Gas Act, the Coal and Gas Resource Coordination Act, and the Oil and Gas Conservation Law; oversees the oil and gas permitting and inspection programs; develops statewide regulation and standards; conducts training programs for industry; and works with the Interstate Oil and Gas Compact Commission and the Technical Advisory Board. However, the office has not promulgated regulations for gathering lines. Tables A.23A and A.23B present additional information about regulation and enforcement of gathering lines in the state of Pennsylvania.

Table A.23A – Pennsylvania Department of Environmental Protection

<b>Pennsylvania Department of Environmental Protection</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>Department of Environmental Protection</b>  The Office of Oil and Gas Management is responsible for the statewide oil

<b>Pennsylvania Department of Environmental Protection</b>	
	and gas conservation and environmental programs to facilitate the safe exploration, development, recovery of Pennsylvania's oil and gas reservoirs in a manner that will protect the commonwealth's natural resources and the environment. The office develops policy and programs for the regulation of oil and gas development and production pursuant to the Oil and Gas Act, the Coal and Gas Resource Coordination Act, and the Oil and Gas Conservation Law; oversees the oil and gas permitting and inspection programs; develops statewide regulation and standards; conducts training programs for industry; and works with the Interstate Oil and Gas Compact Commission and the Technical Advisory Board.
Regulation in Place	<b>Pennsylvania Code, Title 25, Environmental Protection</b>
Summary	<b>Chapter 79 Oil and Gas Conservation</b>  This chapter does not include requirements for gathering lines.
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<a href="http://www.portal.state.pa.us/portal/server.pt/community/laws%2C_regulations_guidelines/20306">http://www.portal.state.pa.us/portal/server.pt/community/laws%2C_regulations_guidelines/20306</a>  <a href="http://www.pacode.com/secure/data/025/chapter79/025_0079.pdf">http://www.pacode.com/secure/data/025/chapter79/025_0079.pdf</a>

Table A.23B – Pennsylvania Public Utilities Commission

<b>Pennsylvania Public Utilities Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>Public Utilities Commission</b>  The Pennsylvania legislature has empowered the Public Utility Commission to direct and enforce safety standards for pipeline facilities and to regulate safety practices of certificated utilities engaged in the transportation of

<b>Pennsylvania Public Utilities Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>natural gas and other gas by pipeline.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates and inspects the intrastate and interstate hazardous liquid pipeline operators and the interstate gas transmission operators in Pennsylvania. Through certification by OPS, the state of Pennsylvania regulates, and inspects the intrastate gas pipeline operators in Pennsylvania.</p>
Regulation in Place	<b>Pennsylvania Code, Title 52, Public Utilities</b>
Summary	<p><b>Chapter 59 Gas Service</b></p> <p>This chapter states that “The minimum safety standards for all gas transmission and distribution facilities in this Commonwealth shall be those issued under the pipeline safety laws as found in 49 U.S.C.A. §§ 60101—60503 and as implemented at 49 CFR Parts 191—193 and 199, including all subsequent amendments thereto future Federal amendments to 49 CFR Parts 191—193 and 199, as amended or modified by the Federal government, shall have the effect of amending or modifying the Commission’s regulations with regard to the minimum safety standards for all gas transmission and distribution facilities.”</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p>The Public Utilities Commission is authorized to enforce federal safety standards as an agent for the U.S. Department of Transportation's Office of Pipeline Safety. The safety standards apply to the design, installation, operation, inspection, testing, construction, extension, replacement and maintenance of pipeline facilities. The PUC may prescribe additional pipeline safety standards over and above federal standards, provided they are not in conflict.</p> <p>The PUC investigates all methods or practices of pipeline companies,</p>



<b>Pennsylvania Public Utilities Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>including reports, records and other information. PUC investigators inspect the property, buildings, plants and offices of the pipeline companies and inspect books, records, paper, email and documents relevant to the enforcement of the rules and regulations.</p> <p>The Gas Safety Section has six inspectors who are located across the state and who are on call 24 hours a day for emergencies. They check for compliance of the Commission and federal gas pipeline safety regulations to insure compliance by the gas operators.</p>
Link	<p><a href="http://www.puc.state.pa.us/consumer_info/transportation/pipeline_safety_.asp">http://www.puc.state.pa.us/consumer_info/transportation/pipeline_safety_.asp</a>  <a href="http://www.puc.state.pa.us/consumer_info/transportation/pipeline_safety_.asp">x</a></p> <p><a href="http://www.pacode.com/secure/data/052/chapter59/052_0059.pdf">http://www.pacode.com/secure/data/052/chapter59/052_0059.pdf</a></p> <p><a href="http://www.puc.state.pa.us/">http://www.puc.state.pa.us/</a></p>

**A.24 SOUTH DAKOTA**

The South Dakota Public Utilities Commission, through the Pipeline Safety Program, is responsible for regulating hazardous gas intrastate pipelines to ensure the public is provided safe and dependable gas service. In South Dakota, OPS regulates, inspects, and enforces interstate gas pipeline safety requirements and regulates, inspects, and enforces both intrastate and interstate liquid pipeline safety requirements. Through certification by OPS, the state of South Dakota regulates, inspects, and enforces intrastate gas pipeline safety requirements. The Minerals & Mining Program, Division of Environmental Services, Department of Environment and Natural Resources regulates oil and gas exploration and production in South Dakota. The Oil and Gas Conservation Act contains the laws that apply to oil and gas development in the state. However, this statute does not include regulations for gathering lines. Tables A.24A and A.24B present additional information about regulation and enforcement of gathering lines in the state of South Dakota.

Table A.24A – South Dakota Department of Environment and Natural Resources, Geological Survey Program

<b>South Dakota Department of Environment and Natural Resources, Geological Survey Program</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>South Dakota Department of Environment and Natural Resources, Geological Survey Program</b></p> <p>The Minerals &amp; Mining Program, Division of Environmental Services, Department of Environment and Natural Resources regulates oil and gas exploration and production in South Dakota. The Oil and Gas Conservation Act, South Dakota Codified Laws 45-9, contains the laws that apply to oil and gas development in the state. The Board of Minerals and Environment and the department implement the requirements of the Act. The Board of Minerals and Environment is responsible for promulgating and enforcing rules and issuing permits for the following department programs:</p> <ul style="list-style-type: none"> <li>• Air Quality;</li> <li>• Asbestos;</li> <li>• Solid Waste;</li> <li>• Hazardous Waste;</li> <li>• Mineral Exploration;</li> <li>• Mining; and</li> <li>• Oil and Gas Exploration and Production.</li> </ul>
Regulation in Place	<p><b>South Dakota Codified Laws (SDCL), Title 45 Mining, Oil and Gas, Chapter 09 Oil and Gas Conservation</b></p> <p><b>South Dakota Administrative Rules, Article 74:12 Oil and Gas Conservation</b></p>
Summary	<p><b>South Dakota Codified Laws (SDCL), Title 45 Mining, Oil and Gas, Chapter 09 Oil and Gas Conservation</b></p> <p>This chapter does not include regulations for gathering lines.</p> <p><b>South Dakota Administrative Rules, Article 74:12 Oil and Gas Conservation</b></p>

<b>South Dakota Department of Environment and Natural Resources, Geological Survey Program</b>	
<b>Category</b>	<b>Description</b>
	This article does not include regulations for gathering lines.
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<a href="http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=49-34B-2">http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=49-34B-2</a> <a href="http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=49-34B-3">http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=49-34B-3</a> <a href="http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=45-9">http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=45-9</a> <a href="http://denr.sd.gov/documents.aspx#Geological">http://denr.sd.gov/documents.aspx#Geological</a> <a href="http://denr.sd.gov/des/mm/mmprogram.aspx">http://denr.sd.gov/des/mm/mmprogram.aspx</a> <a href="http://denr.sd.gov/des/og/oghome.aspx">http://denr.sd.gov/des/og/oghome.aspx</a> <a href="http://denr.sd.gov/bme.aspx">http://denr.sd.gov/bme.aspx</a>

Table A.24B – South Dakota Public Utilities Commission, Pipeline Safety Division

<b>South Dakota Public Utilities Commission, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>South Dakota Public Utilities Commission, Pipeline Safety Division</b></p> <p>The South Dakota Public Utilities Commission, through the Pipeline Safety Program, is responsible for regulating hazardous gas intrastate pipelines to ensure the public is provided safe and dependable gas service. The staff inspects and investigates intrastate natural gas pipeline operators, master meter operators, and jurisdictional propane systems for compliance with statutes and administrative rules. Trained staff members from the PUC's Pipeline Safety Program conduct a number of inspections throughout the year to ensure pipelines are operating safely and adhering to federal and state laws and rules. Inspections involve physical testing and visual examinations of pipeline facilities as well as reviews of records maintained by the pipeline operator to verify scheduled maintenance is being performed and operator training and certification are current.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates, inspects and enforces interstate gas pipeline safety requirements in South Dakota. OPS also regulates, inspects and enforces both intrastate and interstate liquid pipeline safety requirements in South Dakota. Through certification by OPS, the state of South Dakota regulates, inspects, and enforces intrastate gas pipeline safety requirements.</p>
Regulation in Place	<p><b>South Dakota Codified Laws (SDCL), Title 49, Public Utilities and Carriers</b></p> <p><b>South Dakota Administrative Rules, Article 20:10 Public Utilities Commission</b></p>
Summary	<p><b>South Dakota Codified Laws (SDCL), Title 49, Public Utilities and Carriers</b></p> <p><b>Chapter 49-34b, Pipeline Safety</b></p> <p><b>49-34B-1. Definition of terms.</b> Terms used in this chapter mean:</p>

**South Dakota Public Utilities Commission, Pipeline Safety Division**

Category	Description
	<p>(1) "Commission," the Public Utilities Commission;</p> <p>(4) "Gas pipeline," all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies;</p> <p>(5) "Gas pipeline facilities," new and existing pipelines, rights-of-way, master meter systems, pipeline facilities within this state which transport gas from an interstate gas pipeline to a direct sales customer within this state purchasing gas for its own consumption, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation;</p> <p>(7) "Intrastate pipeline," any pipeline or that part of a pipeline to which this part applies that is not an interstate pipeline;</p> <p>(8) "Interstate pipeline," pipeline facilities used in the transportation of gas which are subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, United States Code, Title 15, sections 717 to 717z, inclusive, as amended to January 12, 2012, except that it does not include any pipeline facilities within this state which transport gas from an interstate gas pipeline to a direct sales customer within this state purchasing gas for its own consumption;</p> <p>(11) "Pipeline operator," any person who owns or operates a pipeline;</p> <p>(13) "Transportation of gas," the gathering, transmission, or distribution of gas by pipeline or the storage of gas.</p> <p><b>49-34B-2. Rural gathering facility exempt.</b> Any rural gathering facility as defined in 49 C.F.R. 192.8 as of January 12, 2012, is exempt from this chapter.</p> <p><b>49-34B-3. Pipeline safety inspection program created--Compliance program.</b> There is created a pipeline safety inspection program. The federal safety standards adopted as Code of Federal Regulations, title 49 appendix, parts 191, 192, 193, and 199 as amended to January 12, 2012, are adopted as minimum safety standards for this chapter. The commission shall establish and implement a compliance program to enforce these safety standards. The program shall be established and implemented in a manner that fully complies with requirements for state certification under the United States</p>

**South Dakota Public Utilities Commission, Pipeline Safety Division**

<b>Category</b>	<b>Description</b>
	<p>Code, title 49, section 60105, as amended to January 12, 2012.</p> <p><b>49-34B-4. Promulgation of safety standards--Considerations.</b> The commission may, by rules promulgated pursuant to chapter 1-26, establish safety standards, but not more stringent than federal safety standards as provided by § 49-34B-3, for the intrastate transportation of gas and gas pipeline facilities. The standards may apply to the design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance of gas pipeline facilities. Standards affecting the design, installation, construction, initial inspection, and initial testing do not apply to pipeline facilities in existence on the date the standards are adopted by either this state or the federal government. The safety standards shall be practicable and designed to meet the need for pipeline safety. In prescribing the standards, the commission shall consider:</p> <ol style="list-style-type: none"> <li>(1) Relevant available pipeline safety data;</li> <li>(2) Whether the standards are appropriate for the particular type of pipeline transportation of gas;</li> <li>(3) The reasonableness of any proposed standards;</li> <li>(4) The extent to which the standard will contribute to public safety; and</li> <li>(5) The existing standards established by the secretary of the United States Department of Transportation pursuant to the United States Code, title 49, section 60101 et seq. as amended to January 12, 2012.</li> </ol> <p><b>South Dakota Administrative Rules, Article 20:10 Public Utilities Commission</b></p> <p><b>Section 20:10:37:01. Definitions.</b> Terms defined in SDCL 49-34B-1 have the same meaning when used in this chapter. In addition, terms used in this chapter mean:</p> <ol style="list-style-type: none"> <li>(1) "Inspector," a pipeline safety inspector employed by, or contracted as an agent of the commission;</li> </ol>

<b>South Dakota Public Utilities Commission, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p>(5) "Inspection," a review of the books, files, records, reports, supplemental data, other documents and information, plant, property, and facilities of a pipeline operator to ensure compliance with applicable pipeline safety standards;</p> <p>(6) "Inspection report," the report drafted by an inspector after an inspection of any type, except for an incident; and</p> <p>(7) "Pipeline safety program," the program administered by the commission with regulatory jurisdiction over the safety standards and practices of all jurisdictional intrastate natural gas and other gas pipelines within South Dakota.</p> <p><b>Section 20:10:37:02. Scope and application.</b> This chapter sets forth the procedures and standards to be used for pipeline safety inspections, the enforcement of pipeline safety standards, and the imposition of civil penalties on pipeline operators for failing to meet the federal pipeline safety standards adopted by SDCL chapter 49-34B. These rules only apply to those pipelines within the jurisdiction of the commission pursuant to SDCL chapter 49-34B.</p> <p><b>Section 20:10:37:04. Inspections.</b> An inspector shall conduct periodic inspections and spot checks of records and property in the possession, custody, or control of the pipeline operator to determine compliance with applicable pipeline safety standards. Inspections may be conducted pursuant to routine scheduling by the inspector, upon a complaint received from a member of the public, upon information obtained from a previous inspection, or when there is a cause to believe that a threat to public safety may exist.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Active
	<b>Title 49, Public Utilities and Carriers</b>

<b>South Dakota Public Utilities Commission, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p><b>Chapter 49-34b, Pipeline Safety</b></p> <p><b>49-34B-3. Pipeline safety inspection program created--Compliance program.</b> There is created a pipeline safety inspection program. The federal safety standards adopted as Code of Federal Regulations, title 49 appendix, parts 191, 192, 193, and 199 as amended to January 12, 2012, are adopted as minimum safety standards for this chapter. The commission shall establish and implement a compliance program to enforce these safety standards. The program shall be established and implemented in a manner that fully complies with requirements for state certification under the United States Code, title 49, section 60105, as amended to January 12, 2012.</p> <p><b>49-34B-19. Promulgation of inspection and safety rules.</b> The commission may promulgate pipeline inspection and safety rules pursuant to chapter 1-26 to the extent necessary to enable the state to qualify for annual federal certification to operate the federal pipeline inspection program of intrastate and interstate gas pipelines as authorized by the United States Code, title 49, section 60101 et seq. as amended to January 12, 2012.</p>
Link	<p><a href="http://puc.sd.gov/statutes-administrativelaw/default.aspx">http://puc.sd.gov/statutes-administrativelaw/default.aspx</a></p> <p><a href="http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=20:10">http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=20:10</a></p> <p><a href="http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=20:10:37">http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=20:10:37</a></p> <p><a href="http://puc.sd.gov/pipelinesafety/default.aspx">http://puc.sd.gov/pipelinesafety/default.aspx</a></p>

## **A.25 TENNESSEE**

The Tennessee Regulatory Authority, Gas Pipeline Safety Division conducts pipeline safety inspections across the state. Operator compliance with State and Federal pipeline safety regulations is monitored through a comprehensive inspection and enforcement program. In Tennessee, OPS inspects, regulates, and enforces interstate natural gas and hazardous liquid pipeline safety requirements and inspects, regulates, and enforces intrastate hazardous liquid pipeline safety requirements. Through certification by OPS, the state of Tennessee regulates, inspects, and enforces intrastate natural gas pipeline safety requirements. The Tennessee State Oil & Gas Board's Division of Geology promotes the prudent development and conservation of Tennessee's geological, energy and mineral resources by developing and maintaining data bases,



maps and technical services that provide accurate geologic hazard assessments and information through publications and outreach activities. However, the rules of the Tennessee State Oil and Gas Board do not include regulations that apply to gathering lines. Tables A.25A and A.25B presents additional information about regulation and enforcement of gathering lines in the state of Tennessee.

Table A.25A – Tennessee State Oil & Gas Board

<b>Tennessee Oil &amp; Gas Board</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Tennessee State Oil &amp; Gas Board</b></p> <p>The Division of Geology promotes the prudent development and conservation of Tennessee’s geological, energy and mineral resources by developing and maintaining data bases, maps and technical services that provide accurate geologic hazard assessments and information through publications and outreach activities.</p>
Regulation in Place	<b>Rules of the Tennessee State Oil and Gas Board, Chapter 1040-08-01 Determinations Under Federal Natural Gas Policy Act of 1978</b>
Summary	<p><b>Rules of the Tennessee State Oil and Gas Board, Chapter 1040-08-01 Determinations Under Federal Natural Gas Policy Act of 1978</b></p> <p>The Rules of the Tennessee State Oil and Gas Board do not include regulations that apply to gathering lines.</p>
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<p><a href="http://tn.gov/sos/rules/1040/1040.htm">http://tn.gov/sos/rules/1040/1040.htm</a></p> <p><a href="http://www.tn.gov/environment/boards/og/">http://www.tn.gov/environment/boards/og/</a></p> <p><a href="http://www.tn.gov/sos/rules/1040/1040-history.pdf">http://www.tn.gov/sos/rules/1040/1040-history.pdf</a></p>

Table A.25B – Tennessee Regulatory Authority, Gas Pipeline Safety Division

Category	Description
<p>State Agency</p>	<p><b>Tennessee Regulatory Authority, Gas Pipeline Safety Division</b></p> <p>The mission of Tennessee Regulatory Authority's (TRA) Gas Pipeline Safety Division (GPSD) is to contribute to the safety and reliability of intrastate natural gas distribution and transmission pipeline facilities by conducting pipeline safety inspections across the state. Operator compliance with state and federal pipeline safety regulations is monitored through a comprehensive inspection and enforcement program. The program is comprised of field inspections of operations, maintenance, and construction activities; programmatic inspections of operator procedures, processes, and records; incident investigations and corrective actions; and through direct dialogue with operator management.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate natural gas and hazardous liquid pipeline safety requirements in Tennessee. OPS also inspects, regulates and enforces intrastate hazardous liquid pipeline safety requirements in Tennessee. Through certification by OPS, the state of Tennessee regulates, inspects, and enforces intrastate natural gas pipeline safety requirements.</p>
<p>Regulation in Place</p>	<p><b>Tennessee Code Annotated, Title 65 Public Utilities And Carriers, Chapter 26 Gas Companies</b></p> <p><b>Tennessee Code Annotated, Title 68 Health, Safety and Environmental Protection, Chapter 215 Underground Storage Tanks</b></p> <p><b>Rules of Tennessee Regulatory Authority, Division of Public Utilities, Chapter 1220-4-5, Regulations for Gas Companies</b></p>
<p>Summary</p>	<p><b>Tennessee Code Annotated, Title 65 Public Utilities and Carriers, Chapter 28 Pipeline Corporations</b></p> <p><b>Part 1 General Provisions</b></p>

<b>Tennessee Regulatory Authority, Gas Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p><b>65-28-104. Gas pipeline systems -- Definitions.</b></p> <p>As used in §§ 65-28-104 -- 65-28-111, unless the context otherwise requires:</p> <p>(1) "Authority" means the Tennessee regulatory authority;</p> <p>(2) "Federal safety standards" means the minimum federal safety standards adopted by the department of transportation pursuant to the Natural Gas Pipeline Safety Act, 49 U.S.C. § 60101 et seq., or any amendments thereto which may be adopted in the future;</p> <p>(3) "Gas" means natural gas, petroleum gas, flammable gas, or gas which is toxic or corrosive;</p> <p>(4) "Gas public utilities" means any person, firm, corporation or other legal entity of any kind engaged in the transportation of gas, and includes the state of Tennessee, every county in the state of Tennessee, every municipality in the state of Tennessee and every utility district created under title 7, chapter 82, which has not been certified with the department of transportation under the Natural Gas Pipeline Safety Act 49 U.S.C. § 60101 et seq., every public body or corporation of whatever kind in the state of Tennessee, and every private or nonpublic entity, when engaged in the transportation of gas;</p> <p>(5) "Pipeline systems" means new and existing pipeline rights-of-way and any pipeline, equipment facility, and building, used by a public utility in the transportation and distribution of gas or the treatment of gas during the course of transportation and distribution, but "rights-of-way" as used in §§ 65-28-104 -- 65-28-111 does not authorize the authority to prescribe the location or routing of any pipeline facility; and</p> <p>(6) "Transportation of gas" means the gathering, transmission, and distribution of natural gas by pipeline, or its storage, and the transmission and distribution of all kinds of gas other than natural gas.</p>

Category	Description
	<p style="text-align: center;"><b>Tennessee Regulatory Authority, Gas Pipeline Safety Division</b></p> <p><b>65-28-106. Powers and duties of authority.</b></p> <p>(a) The authority has the right, power and authority to provide and make certifications, reports and information to the secretary of the United States department of transportation; to enter into agreements with the secretary to carry out the purposes of §§ 65-28-104 -- 65-28-111; to enforce safety standards in the state of Tennessee including enforcement of federal safety standards as permitted in the Natural Gas Pipeline Safety Act, 49 U.S.C. § 60101 et seq.; and to exercise regulatory jurisdiction over the safety of pipeline systems and transportation of gas in accordance with permission granted by the Natural Gas Pipeline Safety Act, 49 U.S.C. § 60101 et seq.</p> <p>(b) The authority has the right, power and authority to promulgate reasonable rules and regulations to ensure that each pipeline system is operating in compliance with the required safety standards and to enforce such compliance. It has the right, power and authority to require each public utility to make, maintain and file such books, papers, records and documents as the authority may deem necessary and to require that these books, papers, records and documents be made available to members of the authority and their employees upon request. Authorized representatives of the authority shall be authorized to inspect all pipeline systems, facilities and equipment and shall have the right of access and entry to all buildings and property owned, leased or operated by such systems.</p> <p>(c) The authority shall be authorized to employ such inspectors or other qualified employees as may be necessary to carry out the provisions of §§ 65-28-104 -- 65-28-111.</p> <p><b>Tennessee Code Annotated, Title 68 Health, Safety and Environmental Protection, Chapter 215 Underground Storage Tanks</b></p> <p><b>68-215-124. Exemptions.</b></p>

<b>Tennessee Regulatory Authority, Gas Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p>Exempted from the provisions of this chapter are:</p> <p>(4) Pipeline facilities (including gathering lines) regulated under:</p> <p style="padding-left: 40px;">(A) The Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. App. § 60101 et seq.;</p> <p style="padding-left: 40px;">(B) The Hazardous Liquid Pipeline Safety Act of 1979, 49 U.S.C. App. § 60101 et seq.; or</p> <p style="padding-left: 40px;">(C) State laws comparable to the provisions of the law referred to in subdivision (4)(A) or (B), if it is an intrastate pipeline;</p> <p>(8) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;</p> <p><b>Rules of Tennessee Regulatory Authority, Division of Public Utilities, Chapter 1220-4-5, Regulations for Gas Companies</b></p> <p><b>1220-4-5-.48 Gas Pipeline Safety Standards.</b></p> <p>(1) The provisions of this rule shall apply to all gas public utilities as defined in <i>T.C.A. §65-28-104</i>.</p> <p>(2) The Tennessee Regulatory Authority hereby adopts the federal safety standards and regulations including all subsequent amendments thereto, for the transportation of natural and other gas by pipeline established pursuant to the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671, <i>et seq.</i>), and the Hazardous Liquid Pipeline Safety Act of 1979 as amended (49 U.S.C. 2001, <i>et seq.</i>), by the United States Department of Transportation and contained in Title 49 of the Code of Federal Regulations, Chapter 1, Subchapter D, Parts 191, 192, 193, 195 and 199. Provided, however, that subsection (b) of Section 192.455 of Title 49 C.F.R. Chapter 1, Subchapter D, shall not be adopted and incorporated by reference herein.</p> <p>(3) The present American National Standards Institute, Gas Transmission and Distribution Piping System (ANSI-B 31.8), shall be in addition to</p>

	<b>Tennessee Regulatory Authority, Gas Pipeline Safety Division</b>
<b>Category</b>	<b>Description</b>
	the standards and regulations required by the federal safety standards, insofar as this standard does not conflict with any of the provisions of 49 C.F.R. Part 192.
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>Rules of Tennessee Regulatory Authority, Division of Public Utilities, Chapter 1220-4-5, Regulations for Gas Companies</b></p> <p><b>1220-4-5-.47 Enforcement Procedures Governing Gas Pipeline Safety.</b></p> <p>(1) Definitions – Terms used in these rules have the following meaning:</p> <ul style="list-style-type: none"> <li>(i) Pipeline Safety Director means the Chief of the Gas Pipeline Safety Division designated by the Authority.</li> <li>(j) Transportation of Gas means the gathering, transmission or distribution of gas by pipeline or its storage.</li> </ul> <p>(2) Intervals of Inspection.</p> <ul style="list-style-type: none"> <li>(a) Upon presentation of appropriate credentials, the Authority or its designated employee is authorized to enter upon, inspect and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties are relevant to determining the compliance of such persons with the rules and regulations or Authority orders issued thereunder.</li> <li>(b) Inspections shall ordinarily be conducted pursuant to one of the following: <ul style="list-style-type: none"> <li>1. routine scheduling;</li> <li>2. a complaint received from a member of the public;</li> <li>3. information obtained from a previous inspection;</li> </ul> </li> </ul>

<b>Tennessee Regulatory Authority, Gas Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p>4. pipeline accident or incident; or</p> <p>5. whenever deemed appropriate by the Authority or the Chief of Gas Pipeline Safety.</p>
Link	<p><a href="http://www.tn.gov/sos/rules/1220/1220-04/1220-04-05.pdf">http://www.tn.gov/sos/rules/1220/1220-04/1220-04-05.pdf</a></p> <p><a href="http://www.lexisnexis.com/hottopics/tncode/">http://www.lexisnexis.com/hottopics/tncode/</a></p> <p><a href="http://www.tn.gov/tra/gassafety.shtml">http://www.tn.gov/tra/gassafety.shtml</a></p>

## A.26 TEXAS

The Railroad Commission of Texas, Pipeline Safety Division is authorized to regulate the safety of intrastate gas, hazardous liquid, and CO<sub>2</sub> pipelines in Texas. The Commission is certified by the U.S. DOT for the enforcement of federal pipeline safety regulations for intrastate pipeline facilities pursuant to the federal Pipeline Safety Act. Pipeline safety regulations establish minimum standards of accepted good practice and apply to onshore pipeline and gathering and production facilities, beginning after the first point of measurement and ending as defined by 49 CFR Part 192 as the beginning of an onshore gathering line. The Railroad Commission Oil and Gas Division regulates exploration, production, and transportation of oil and natural gas in Texas, but does not regulate gathering line safety. Tables A.26A and A.26B present additional information about regulation and enforcement of gathering lines in the state of Texas.

Table A.26A – Railroad Commission of Texas, Oil and Gas Division

<b>Railroad Commission of Texas, Oil and Gas Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Railroad Commission of Texas, Oil and Gas Division</b></p> <p>The Railroad Commission, through its Oil and Gas Division, regulates the exploration, production, and transportation of oil and natural gas in Texas. Its statutory role is to (1) prevent waste of the state's natural resources, (2) to protect the correlative rights of different interest owners, (3) to prevent pollution, and (4) to provide safety in matters such as hydrogen sulfide. The Commission also regulates oil field injection and disposal wells under a federally-approved program, including permitting, annual reports, and tests. Through this program, fluids are injected into either productive</p>

<b>Railroad Commission of Texas, Oil and Gas Division</b>	
<b>Category</b>	<b>Description</b>
	reservoirs under enhanced recovery projects to increase production or into non-productive reservoirs for disposal. In other pollution prevention activities, waste management is carried out by permitting pits and land farming, discharges, waste haulers, waste minimization, and hazardous waste management. The Oil and Gas Division does not regulate gathering line safety.
Regulation in Place	<p><b>Texas Administrative Code</b></p> <p><b>Title 16 – Economic Regulation, Part 1 – Railroad Commission of Texas, Chapter 3 – Oil and Gas Division</b></p> <p><b>2009 Texas Code, Natural Resources Code</b></p> <p><b>Title 3 – Oil and Gas, Subtitle A – Administration, Chapter 81 – Railroad Commission of Texas</b></p>
Summary	<p><b>Texas Administrative Code, Title 16 – Economic Regulation, Part 1 – Railroad Commission of Texas, Chapter 3 – Oil and Gas Division</b></p> <p><b>Rule §3.70 Pipeline Permits Required</b></p> <p>(a) No pipeline or gathering system, whether a common carrier or not, shall be used to transport oil, gas, or geothermal resources from any tract of land within this state without a permit from the commission.</p> <p><b>Rule §3.73 Pipeline Connection; Cancellation of Certificate of Compliance; Severance</b></p> <p>(a) No pipeline or other carrier shall be connected with any well subject to the jurisdiction of the Commission until the operator of the well provides the pipeline or other carrier with a certificate from the Commission that the rules in this title have been complied with. This section shall not prevent a temporary connection with any well in order to take care of production and prevent waste until the operator has a reasonable time, not to exceed 30</p>



<b>Railroad Commission of Texas, Oil and Gas Division</b>	
<b>Category</b>	<b>Description</b>
	<p>days from the date of such connection, within which to obtain such certificate. For purposes of this section, the term "Commission" means the Railroad Commission of Texas, the Director of the Oil and Gas Division, or the Director's delegate.</p> <p><b>2009 Texas Code, Natural Resources Code</b></p> <p><b>Title 3 – Oil and Gas, Subtitle A – Administration, Chapter 81 – Railroad Commission of Texas</b></p> <p><b>Sec. 81.011. CHIEF SUPERVISOR.</b> (a) The commission shall employ a chief supervisor of its oil and gas division to assist the commission in enforcing the laws relating to the production, transportation, and conservation of oil and gas and rules and orders of the commission adopted under these laws.</p>
<p>Enforcement Authority Yes/No</p>	<p>Yes</p> <p><b>Title 3 – Oil and Gas, Subtitle A – Administration, Chapter 81 – Railroad Commission of Texas</b></p> <p><b>Sec. 81.053. COMMISSION POWERS.</b> In the discharge of its duties and the enforcement of its jurisdiction under this title, the commission shall:</p> <ul style="list-style-type: none"> <li>(1) institute suits;</li> <li>(2) hear and determine complaints;</li> <li>(3) require the attendance of witnesses and pay their expenses out of funds provided for that purpose;</li> <li>(4) obtain the issuance of writs and process which may be necessary for the enforcement of its orders; and</li> <li>(5) punish for contempt or disobedience of its orders in the manner provided for the district courts.</li> </ul>

<b>Railroad Commission of Texas, Oil and Gas Division</b>	
<b>Category</b>	<b>Description</b>
	<p><b>Sec. 81.054. ENFORCEMENT BY ATTORNEY GENERAL</b></p> <p>(a) The attorney general shall enforce the provision of this title by injunction or other adequate remedy and as otherwise provided by law.</p>
Enforcement Authority Active/Passive	Passive
Link	<p><a href="http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&amp;ti=16&amp;pt=1&amp;ch=8">http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&amp;ti=16&amp;pt=1&amp;ch=8</a></p> <p><a href="http://www.statutes.legis.state.tx.us/Docs/NR/htm/NR.81.htm">http://www.statutes.legis.state.tx.us/Docs/NR/htm/NR.81.htm</a></p> <p><a href="http://www.rrc.state.tx.us/rules/rule.php">http://www.rrc.state.tx.us/rules/rule.php</a></p> <p><a href="http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&amp;ti=16&amp;pt=1&amp;ch=3&amp;r=Y">http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&amp;ti=16&amp;pt=1&amp;ch=3&amp;r=Y</a></p>

Table A.26B – Railroad Commission of Texas, Pipeline Safety Division

<b>Railroad Commission of Texas, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Railroad Commission of Texas, Pipeline Safety Division</b></p> <p>The Commission's Pipeline Safety program is authorized by the Cox Act and Texas Natural Resources Code to regulate the safety of intrastate gas, hazardous liquid and CO2 pipelines in Texas. The Commission is certified by the U.S. Department of Transportation for the enforcement of federal pipeline safety regulations for intrastate pipeline facilities pursuant to the federal Pipeline Safety Act.</p> <p>Pipeline Safety currently has 46 employees, 28 of which are full time inspectors, located in seven offices throughout the state. On average, inspectors conduct 2,500 inspections per year using a risk based evaluation model. In addition, division staff investigate accidents and complaints involving pipeline facilities.</p>

<b>Railroad Commission of Texas, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate gas pipeline safety requirements in Texas. Through certification by OPS, the state of Texas regulates, inspects, and enforces intrastate gas and liquid pipeline safety requirements. This work is performed by the Pipeline Safety Division of the Texas Railroad Commission.</p>
Regulation in Place	<p><b>Texas Administrative Code</b></p> <p><b>Title 16 – Economic Regulation, Part 1 – Railroad Commission of Texas, Chapter 8 – Pipeline Safety Regulations</b></p> <p><b>2009 Texas Code, Natural Resources Code</b></p> <p><b>Title 3 – Oil and Gas, Subtitle A – Administration, Chapter 81 – Railroad Commission of Texas</b></p>
Summary	<p><b>Texas Administrative Code, Title 16 – Economic Regulation, Part 1 – Railroad Commission of Texas, Chapter 8 – Pipeline Safety Regulations</b></p> <p>The rules in Chapter 8, Subchapter A, Rule §8.1(a) establish minimum standards of accepted good practice and apply to:</p> <ul style="list-style-type: none"> <li>• onshore pipeline and gathering and production facilities, beginning after the first point of measurement and ending as defined by 49 CFR Part 192 as the beginning of an onshore gathering line. The gathering and production beyond this first point of measurement shall be subject to 49 CFR Part 192.8 and shall be subject to the rules as defined as Type A or Type B gathering lines as those Class 2, 3, or 4 areas as defined by 49 CFR Part 192.5</li> <li>• the intrastate pipeline transportation of hazardous liquids or carbon dioxide and all intrastate pipeline facilities as provided in 49 U.S.C. §§60101, <i>et seq.</i>; and Texas Natural Resources Code, §117.011 and §117.012.</li> </ul>

<b>Railroad Commission of Texas, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p>The rules in Chapter 8, Subchapter A, Rule §8.1(b) establish minimum safety standards and adopts by reference the following provisions:</p> <ul style="list-style-type: none"> <li>• Natural gas pipelines, including LPG distribution systems and master metered systems, shall be designed, constructed, maintained, and operated in accordance with 49 U.S.C. §§60101, <i>et seq.</i>; 49 Code of Federal Regulations (CFR) Part 191, Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports; 49 CFR Part 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; and 49 CFR Part 193, Liquefied Natural Gas Facilities: Federal Safety Standards.</li> <li>• Hazardous liquids or carbon dioxide pipelines shall comply with 49 U.S.C. §§60101, <i>et seq.</i>; and 49 CFR Part 195, Transportation of Hazardous Liquids by Pipeline.</li> </ul> <p>The rules in Chapter 8, Subchapter A, Rule §8.5 state that in addition to the definitions given in 49 CFR Parts 40, 191, 192, 193, 195, and 199, the following words and terms, when used in this chapter, shall have the following meanings.</p> <ul style="list-style-type: none"> <li>• Transportation of gas is defined as the gathering, transmission, or distribution of gas by pipeline or its storage within the State of Texas. For purposes of safety regulation, the term shall include onshore pipeline and production facilities, beginning after the first point of measurement and ending as defined by 49 CFR Part 192 as the beginning of an onshore gathering line.</li> <li>• Transportation of hazardous liquids or carbon dioxide is defined as the movement of hazardous liquids or carbon dioxide by pipeline, or their storage incidental to movement, except that, for purposes of safety regulations, it does not include any such movement through gathering lines in rural locations or production, refining, or manufacturing facilities or storage or in-plant piping systems associated with any of those facilities.</li> </ul>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Active

<b>Railroad Commission of Texas, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p><b>Texas Administrative Code, Title 16 – Economic Regulation, Part 1 – Railroad Commission of Texas, Chapter 8 – Pipeline Safety Regulations</b></p> <p><b>Rule §8.130 – Enforcement states:</b></p> <p>(a) Periodic inspection. The Division shall have responsibility for the administration and enforcement of the provisions of this chapter. To this end, the Division shall formulate a plan or program for periodic evaluation of the books, records, and facilities of gas companies and liquids companies operating in Texas on a sampling basis, in order to satisfy the Commission that these companies are in compliance with the provisions of this chapter.</p> <p>(b) Scope of inspection. Upon reasonable notice, the Division or its authorized representative may, at any reasonable time, inspect the books, files, records, reports, supplemental data, other documents and information, plant, property, and facilities of a gas company or a liquids company to ensure compliance with the provisions of this chapter.</p> <p><b>Title 3 – Oil and Gas, Subtitle A – Administration, Chapter 81 – Railroad Commission of Texas</b></p> <p><b>Sec. 81.053. COMMISSION POWERS.</b> In the discharge of its duties and the enforcement of its jurisdiction under this title, the commission shall:</p> <ol style="list-style-type: none"> <li>(1) institute suits;</li> <li>(2) hear and determine complaints;</li> <li>(3) require the attendance of witnesses and pay their expenses out of funds provided for that purpose;</li> <li>(4) obtain the issuance of writs and process which may be necessary for the enforcement of its orders; and</li> <li>(5) punish for contempt or disobedience of its orders in the manner provided for the district courts.</li> </ol>
Link	<a href="http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&amp;ti=16&amp;pt=1&amp;ch=8">http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&amp;ti=16&amp;pt=1&amp;ch=8</a>

<b>Railroad Commission of Texas, Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<a href="http://www.statutes.legis.state.tx.us/Docs/NR/htm/NR.81.htm">http://www.statutes.legis.state.tx.us/Docs/NR/htm/NR.81.htm</a> <a href="http://www.rrc.state.tx.us/rules/rule.php">http://www.rrc.state.tx.us/rules/rule.php</a> <a href="http://www.rrc.state.tx.us/about/divisions/aboutsafety.php">http://www.rrc.state.tx.us/about/divisions/aboutsafety.php</a>

## **A.27 UTAH**

Utah has adopted Federal Pipeline Safety Regulations. These Regulations prescribe the minimum safety requirements that need to be adhered to by anyone involved in transportation of gas via pipelines within the State of Utah. The Pipeline Safety Section within the Division of Public Utilities has been authorized by the Commission to carry out the enforcement of the adopted Pipeline Safety Regulations. In Utah, OPS inspects, regulates, and enforces interstate gas pipeline safety requirements and inspects, regulates, and enforces both intrastate and interstate liquid pipeline safety requirements. Through certification by OPS, the state of Utah regulates, inspects, and enforces intrastate gas pipeline safety requirements. The Oil and Gas Program of the Utah Division of Oil, Gas and Mining (part of the Department of Natural Resources) is responsible for promoting the exploration, development, and conservation of oil and natural gas resources in Utah and to maintain sound regulatory practices to ensure environmentally acceptable activities. However, the Utah oil and gas general rules do not include regulations that apply to gathering lines. Tables A.27A and A.27B present additional information about regulation and enforcement of gathering lines in the state of Utah.

Table A.27A – Utah Department of Natural Resources, Division of Oil, Gas, and Mining

<b>Utah Department of Natural Resources, Division of Oil, Gas, and Mining</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Department of Natural Resources, Division of Oil, Gas and Mining</b></p> <p>The Oil and Gas Program of the Utah Division of Oil, Gas and Mining (part of the Department of Natural Resources) was established in 1955 to prevent the waste of oil and natural gas, encourage conservation and protect correlative rights of oil and natural gas owners. Its mission is to promote the exploration, development and conservation of oil and natural gas resources in Utah and to maintain sound regulatory practices to ensure environmentally acceptable activities.</p>

<b>Utah Department of Natural Resources, Division of Oil, Gas, and Mining</b>	
<b>Category</b>	<b>Description</b>
Regulation in Place	<p><b>Utah Administrative Code, Title R649. Natural Resources; Oil, Gas and Mining; Oil and Gas</b></p> <p><b>Utah State Code – Title 40 – Mines and Mining – Chapter 6. Board and Division of Oil, Gas and Mining</b></p>
Summary	<p><b>Utah Administrative Code, Title R649. Natural Resources; Oil, Gas and Mining; Oil and Gas, R649-1. Oil and Gas General Rules.</b></p> <p>The Utah oil and gas general rules do not include regulations that apply to gathering lines.</p>
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<p><a href="http://oilgas.ogm.utah.gov/Rules/Rules.htm">http://oilgas.ogm.utah.gov/Rules/Rules.htm</a></p> <p><a href="https://fs.ogm.utah.gov/pub/Oil&amp;Gas/Rules/Rules_R649_All.pdf">https://fs.ogm.utah.gov/pub/Oil&amp;Gas/Rules/Rules_R649_All.pdf</a></p> <p><a href="http://oilgas.ogm.utah.gov/Rules/Conservation_act.htm">http://oilgas.ogm.utah.gov/Rules/Conservation_act.htm</a></p> <p><a href="http://oilgas.ogm.utah.gov/index.htm">http://oilgas.ogm.utah.gov/index.htm</a></p>

Table A.27B – Utah Division of Public Utilities, Pipeline Safety Section

<b>Utah Division of Public Utilities, Pipeline Safety Section</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Division of Public Utilities, Pipeline Safety Section</b></p> <p>Utah has adopted Federal Pipeline Safety Regulations. These Regulations prescribe the minimum safety requirements that need to be adhered to by anyone involved in transportation of gas via pipelines within the State of Utah. The Pipeline Safety Section within the Division of Public Utilities has been authorized by the Commission to carry out the enforcement of the adopted Pipeline Safety Regulations. The employees of the Pipeline Safety Section are authorized to inspect and examine the records and properties of any person engaged in intrastate pipeline transportation of natural gas and other flammable gases.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate gas pipeline safety requirements in Utah. OPS also inspects, regulates and enforces both intrastate and interstate liquid pipeline safety requirements in Utah. Through certification by OPS, the state of Utah regulates, inspects, and enforces intrastate gas pipeline safety requirements.</p>
Regulation in Place	<p><b>Utah State Code – Title 54 – Public Utilities – Chapter 13 Natural Gas Pipeline Safety</b></p> <p><b>Utah Administrative Code, Title R746 Public Service Commission, Administration, R746-409 Pipeline Safety.</b></p>
Summary	<p><b>Utah State Code – Title 54 – Public Utilities – Chapter 13 Natural Gas Pipeline Safety</b></p> <p><b>54-13-1. Definitions.</b></p> <p>As used in this chapter, "intrastate pipeline transportation" and "pipeline facilities" have the definitions set forth in the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. Section 60101.</p>



<b>Utah Division of Public Utilities, Pipeline Safety Section</b>	
<b>Category</b>	<b>Description</b>
	<p><b>54-13-2. Commission's responsibilities.</b></p> <p>The commission is responsible for establishing safety standards and practices for intrastate pipeline transportation and shall make and enforce rules required by the federal Natural Gas Pipeline Safety Act to maintain state control over the regulation of intrastate pipeline transportation.</p> <p><b>54-13-3. Rules.</b></p> <p>The commission shall adopt and enforce rules pursuant to Section 54-13-2 including rules which:</p> <p>(1) incorporate the safety standards established under the federal Natural Gas Pipeline Safety Act that are applicable to intrastate pipeline transportation; and</p> <p>(2) require persons engaged in intrastate pipeline transportation to:</p> <p style="padding-left: 40px;">(a) maintain records and to submit reports and information to the commission to enable the commission to determine whether the person is acting in compliance with this chapter or rules adopted under this chapter; and</p> <p style="padding-left: 40px;">(b) file, with the commission for its approval, a plan for inspection and maintenance of each pipeline facility.</p> <p><b>54-13-4. Inspection and examination of records and properties.</b></p> <p>Officers, employees, or agents authorized by the commission, upon presenting appropriate credentials to the person in charge, may inspect and examine, at reasonable times and in a reasonable manner, the records and properties of any person engaged in intrastate pipeline transportation to the extent those records and properties are relevant to determining whether the person is acting in compliance with this chapter or rules under this chapter.</p> <p><b>Utah Administrative Code, Title R746 Public Service Commission, Administration, R746-409 Pipeline Safety.</b></p>

**Utah Division of Public Utilities, Pipeline Safety Section**

<b>Category</b>	<b>Description</b>
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**R746-409-1. General Provisions.**

A. Scope and Applicability -- To enable the Commission to carry out its duties regarding pipeline safety under Chapter 13, Title 54, the following rules shall apply to persons owning or operating an intrastate pipeline facility as defined in that chapter, or a segment of that chapter including, but not limited to, master meter systems, as well as persons engaged in the transportation of gas.

B. Adoption of Parts 190, 191, 192, 198, and 199 -- The Commission hereby adopts, and incorporates by this reference, CFR Title 49, Parts 190, 191, 192, 198, and 199, as amended, October 1, 2010. Persons owning or operating an intrastate pipeline facility in Utah, or a segment thereof, as well as persons engaged in the transportation of gas, shall comply with the minimum safety standards specified in those Parts of CFR Title 49.

**R746-409-2. Definitions.**

For purposes of these rules, the following terms shall bear the following meanings:

B. "Commission" means the Public Service Commission of Utah;

C. "Division" means the Division of Public Utilities, Utah Department of Commerce;

**R746-409-3. Inspections.**

A. Authorized Inspector -- A person employed or authorized by the Commission or the director of the Division, upon presenting appropriate credentials, is authorized to enter upon, inspect and examine, during normal business hours, the records and properties of a person in possession or control

**Utah Division of Public Utilities, Pipeline Safety Section**

<b>Category</b>	<b>Description</b>
	<p>of them, if the records and properties are relevant to determining the compliance with applicable state and federal statutes, rules and regulations.</p> <p>B. Reasons for Inspection -- Inspections are ordinarily conducted pursuant to one of the following:</p> <ol style="list-style-type: none"><li>1. routine scheduling;</li><li>2. a complaint received from a member of the public;</li><li>3. information obtained from a previous inspection;</li><li>4. pipeline accident or incident;</li><li>5. when deemed appropriate by the Commission.</li></ol> <p>C. Testing -- To the extent necessary to carry out its responsibilities, the Commission may require testing of portions of intrastate pipeline facilities which have been involved in or affected by an accident.</p> <p><b>R746-409-5. Operation and Maintenance Plans.</b></p> <p>An operator of natural gas transportation facilities, except for master meter operators and liquid propane operators, shall file with the Commission for review by the Division of Public Utilities, a plan for the operation and maintenance of pipeline facilities owned or operated by it, and shall subsequently file changes in the plan. The plan shall cover gas transmission facilities, distribution facilities, and those gathering or production facilities located in non-rural areas. Master meter operators and liquid propane gas operators shall have at their distribution facility a plan for the operation and maintenance of their pipeline facilities. The essential requirements stated in Title 49 CFR Part 192.605, shall be covered by the plan. If the Commission, on recommendation of the Division, finds the plan inadequate for safe operation, the Commission shall, after notice and opportunity for a hearing, require revision of the plan.</p> <p><b>R746-409-6. Emergency Plan.</b></p>

<b>Utah Division of Public Utilities, Pipeline Safety Section</b>	
<b>Category</b>	<b>Description</b>
	<p>An operator, except for master meter operators and liquid propane operators, shall file with the Commission, for review by the Division, a plan of written procedures to minimize the hazard resulting from a gas line emergency. The plan shall cover gas transmission facilities, distribution facilities and those gathering or production facilities located in non-rural areas. Master meter operators and liquid propane operators shall have at their distribution facilities a plan to minimize hazards resulting from an incident involving their gas facilities. The essential requirements stated in Title 49 CFR Part 192.615 shall be covered by the plan. If the Commission, on recommendation of the Division, finds the plan inadequate for safe operation, the Commission shall, after notice and opportunity for a hearing, require the plan to be revised.</p> <p><b>R746-409-7. Cathodic Protection and Leak Surveys.</b></p> <p>A. Cathodic Protection -- Operators of gas transportation facilities who do not have cathodic protection on their metallic underground piping system shall install cathodic protection, in accordance with 49 CFR, Subpart I, unless exempted as per Part 192.455(2)(b) on it within one year after establishment of the Commission rules, unless a time exemption is approved by the Commission.</p> <p>B. Leak Survey -- A gas detector leak survey shall be conducted on master metered facilities, which were not cathodically protected prior to the Commission rules, at intervals not exceeding 15 months, but at least once each calendar year. The surveys shall be performed annually for at least five years after the date of the installation of cathodic protection.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	Active
Link	<a href="http://publicutilities.utah.gov/pipeline.html">http://publicutilities.utah.gov/pipeline.html</a>

Utah Division of Public Utilities, Pipeline Safety Section	
Category	Description
	<a href="http://publicutilities.utah.gov/pipeline-safety.pdf">http://publicutilities.utah.gov/pipeline-safety.pdf</a> <a href="http://www.rules.utah.gov/publicat/code/r746/r746-409.htm">http://www.rules.utah.gov/publicat/code/r746/r746-409.htm</a> <a href="http://le.utah.gov/UtahCode/chapter.jsp?code=54">http://le.utah.gov/UtahCode/chapter.jsp?code=54</a>

## A.28 VIRGINIA

The Division of Utility and Railroad Safety assists the State Corporation Commission in administering safety programs involving underground utility damage prevention, jurisdictional natural gas and hazardous liquid pipeline facilities, and railroads. The Pipeline Safety section of the Division helps ensure the safe operation of natural gas and hazardous liquid pipeline facilities through inspections of facilities, review of records, and investigation of incidents. The Commission is authorized to enforce the Safety Standards for natural gas facilities and for hazardous liquid. In Virginia, OPS regulates and inspects interstate gas transmission operators. Through certification by OPS, the state of Virginia regulates and inspects the intrastate gas pipeline operators. By signed agreement with OPS, Virginia also regulates and inspects the interstate hazardous liquid pipeline operator in Virginia. The Virginia Department of Mines, Minerals and Energy, Division of Gas and Oil is responsible for regulating the effects of gas and oil operations both on and below the surface, issuing permits, client assistance programs, inspection of well sites and gathering pipelines, reclamation of abandoned well sites, protection of correlative rights, and promotion of resource conservation practices. The Virginia Administrative Code states that all new gathering pipelines shall be tested to maintain a minimum of 110% of anticipated pressure prior to being placed into service. Tables A.28A and A.28B present additional information about regulation and enforcement of gathering lines in the state of Virginia.

Table A.28A – Virginia Department of Mines, Minerals and Energy, Division of Gas and Oil

Virginia Department of Mines, Minerals and Energy Division of Gas and Oil	
Category	Description
State Agency	<b>Virginia Department of Mines, Minerals and Energy, Division of Gas and Oil</b>  The Division of Gas and Oil's responsibilities include regulating the effects

**Virginia Department of Mines, Minerals and Energy**

**Division of Gas and Oil**

<b>Category</b>	<b>Description</b>
	<p>of gas and oil operations both on and below the surface, issuing permits, client assistance programs, inspection of well sites and gathering pipelines, reclamation of abandoned well sites, protection of correlative rights, and promotion of resource conservation practices.</p> <p>In order to insure compliance with the Virginia Gas and Oil Act and Regulation, field staff from the Division of Gas and Oil make routine inspections of wellsites, gathering pipelines, facilities and other permitted sites and activities. Frequency of inspection is determined by a priority system which categorizes each permitted site or operation according to its level of activity or the stability of the associated disturbed area. Highest priority for inspection is given to sites that are under construction or being drilled or completed, while lowest priority is given to older permits with stabilized sites.</p> <p>If inspections reveal a lack of regulatory compliance, actions that may be taken range from obtaining voluntary compliance through requests or warnings to revocation of permits. If voluntary compliance cannot be achieved, the problem involves off-site disturbance, or, at the discretion of the inspector, the infraction is sufficiently severe, a Notice of Violation may be issued to the permittee. The Notice of Violation may be accompanied by recommendations for Civil Charges.</p> <p>If conditions causing the issuance of a Notice of Violation are not abated, or if a condition or practice on a permitted site creates an imminent danger to the health and safety of the public, a Closure Order may be issued which causes cessation of operations until the conditions are corrected. If compliance cannot be achieved by any of the means described above, permits can be suspended or revoked and bonds may be forfeited for the purpose of plugging wells or reclaiming sites.</p>
Regulation in Place	<p><b>Code of Virginia – Title 45.1 – Mines and Mining – Chapter 22.1 – The Virginia Gas and Oil Act</b></p> <p><b>Virginia Administrative Code – Title 4 – Conservation &amp; Natural</b></p>

<b>Virginia Department of Mines, Minerals and Energy</b>	
<b>Division of Gas and Oil</b>	
<b>Category</b>	<b>Description</b>
	<b>Resources – Agency 25 – Department of Mines, Minerals and Energy – Chapter 150 – Virginia Gas and Oil Regulation</b>
Summary	<p><b>Code of Virginia – Title 45.1 – Mines and Mining – Chapter 22.1 – The Virginia Gas and Oil Act</b></p> <p><b>§ 45.1-361.1. Definitions.</b></p> <p>As used in this chapter, unless the context clearly indicates otherwise:</p> <p>"Board" means the Virginia Gas and Oil Board.</p> <p>"Gas or oil operations" means any activity relating to drilling, re-drilling, deepening, stimulating, production, enhanced recovery, converting from one type of a well to another, combining or physically changing to allow the migration of fluid from one formation to another, plugging or replugging any well; ground disturbing activity relating to the development, construction, operation and abandonment of a gathering pipeline; the development, operation, maintenance, and restoration of any site involved with gas or oil operations; or any work undertaken at a facility used for gas or oil operations. The term embraces all of the land or property that is used for or which contributes directly or indirectly to a gas or oil operation, including all roads.</p> <p>"Gas or oil operator" means any person who has been designated to operate or does operate any gas or oil well or gathering pipeline.</p> <p>"Gathering pipeline" means (i) a pipeline which is used or intended for use in the transportation of gas or oil from the well to a transmission pipeline regulated by the United States Department of Transportation or the State Corporation Commission or (ii) a pipeline which is used or intended for use in the transportation of gas or oil from the well to an off-site storage, marketing, or other facility where the gas or oil is sold.</p>

**Virginia Department of Mines, Minerals and Energy**

**Division of Gas and Oil**

<b>Category</b>	<b>Description</b>
	<p>"Inspector" means the Virginia Gas and Oil Inspector, appointed by the Director pursuant to § 45.1-361.4, or such other public officer, employee or other authority as may in emergencies be acting in the stead, or by law be assigned the duties of, the Virginia Gas and Oil Inspector.</p> <p>"Pipeline" means any pipe above or below the ground used or to be used to transport gas or oil.</p> <p>"Project area" means the well, gathering pipeline, associated facilities, roads, and any other disturbed area, all of which are permitted as part of a gas, oil, or geophysical operation.</p> <p>"Waste from gas, oil, or geophysical operations" means any substance other than gas or oil which is (i) produced or generated during or results from the development, drilling and completion of wells and associated facilities or the development and construction of gathering pipelines or (ii) produced or generated during or results from well, pipeline and associated facilities' operations, including, but not limited to, brines and produced fluids other than gas or oil. In addition, this term shall include all rubbish and debris, including all material generated during or resulting from well plugging, site restoration, or the removal and abandonment of gathering pipelines and associated facilities.</p> <p><b>§ 45.1-361.4. Duties and responsibilities of the Director.</b></p> <p>A. The Director shall have the jurisdiction and authority necessary to enforce the provisions of this chapter. The Director shall have the power and duty to regulate gas, oil, or geophysical operations, collect fees, and perform other responsibilities as may be prescribed in regulations promulgated by the Department or the Board.</p> <p>B. The Director shall appoint the Gas and Oil Inspector.</p>



Virginia Department of Mines, Minerals and Energy

Division of Gas and Oil

Category	Description
	<p><b>§ 45.1-361.27. Duties, responsibilities and authority of the Director.</b></p> <p>C. In promulgating rules, regulations and orders, the Director shall be authorized to set and enforce standards governing the following: gas or oil ground-disturbing geophysical exploration; the development, drilling, casing, equipping, operating and plugging of gas or oil production, storage, enhanced recovery, or disposal wells; the development, operation and restoration of site disturbances for wells, gathering pipelines and associated facilities; and gathering pipeline safety.</p> <p><b>§ 45.1-361.29. Permit required; gas, oil, or geophysical operations; coalbed methane gas wells; environmental assessment.</b></p> <p>A. No person shall commence any ground disturbing activity for a well, gathering pipeline, geophysical exploration or associated activity, facilities or structures without first having obtained from the Director a permit to conduct such activity. Every permit application or permit modification application filed with the Director shall be verified by the permit applicant and shall contain all data, maps, plats, plans and other information as required by regulation or the Director.</p> <p>B. For permits issued on July 1, 1996, or thereafter, new permits issued by the Director shall be issued only for the following activities: geophysical operations, drilling, casing, equipping, stimulating, producing, reworking initially productive zones and plugging a well, or gathering pipeline construction and operation. Applications for new permits to conduct geophysical operations shall be accompanied by an application fee of \$130. Applications for all other new permits shall be accompanied by an application fee of \$260.</p> <p>H. The applicant for a permit for a gathering pipeline, oil or gas well, or coal bed methane well shall identify in the permit application any cemetery, as identified on a U.S.G.S. topographic map or located by routine field review, within 100 feet of the permitted activity.</p>

**Virginia Department of Mines, Minerals and Energy**

**Division of Gas and Oil**

<b>Category</b>	<b>Description</b>
	<p><b>Virginia Administrative Code – Title 4 – Conservation &amp; Natural Resources – Agency 25 – Department of Mines, Minerals and Energy – Chapter 150 – Virginia Gas and Oil Regulation – Part V – Gathering Pipelines</b></p> <p><b>4VAC25-150-720. Applicability.</b></p> <p>A. Part V (4VAC25-150-720 et seq.) of this chapter sets forth requirements unique to gathering pipelines. Permittees must comply with the standards for gathering pipelines in this part.</p> <p>B. A permit shall be required for installation and operation of every gathering pipeline and associated structures for the movement of gas or oil production from the wellhead to a previously permitted gathering line, a transmission or other line regulated by the United States Department of Transportation or the State Corporation Commission, to the first point of sale, or for oil, to a temporary storage facility for future transportation by a method other than a gathering pipeline.</p> <p>C. Each gathering pipeline or gathering pipeline system may be permitted separately from gas or oil wells or may be included in the permit for the well being served by the pipeline.</p> <p><b>4VAC25-150-730. General requirements.</b></p> <p>A. Gathering pipelines shall be installed to be compatible with other uses of the area.</p> <p>B. No permit shall be issued for a gathering pipeline to be installed closer than 50 feet from any inhabited building, unless site conditions as approved by the director warrant the use of a lesser distance and there exists a lease or agreement between the operator, the inhabitants of the building and the owner of the inhabited building. A copy of the lease or agreement shall accompany the application for a permit.</p> <p>C. Materials used in gathering pipelines shall be able to withstand anticipated conditions. At a minimum this shall include:</p> <ol style="list-style-type: none"><li>1. All plastic gathering pipeline connections shall be fused, not coupled.</li><li>2. All buried gathering pipelines shall be detectable by magnetic or</li></ol>

**Virginia Department of Mines, Minerals and Energy**

**Division of Gas and Oil**

<b>Category</b>	<b>Description</b>
	<p>other remote means from the surface.</p> <p>D. All new gathering pipelines shall be tested to maintain a minimum of 110% of anticipated pressure prior to being placed into service.</p> <p>E. All gathering pipelines shall be maintained in good operating condition at all times.</p> <p><b>4VAC25-150-740. Operations plans.</b></p> <p>A. For a gathering pipeline, the operations plan shall be in a format approved by, or on a form prescribed by, the director.</p> <p>B. On a form prescribed by the director, the operator shall indicate how risks to the public safety or to the site and adjacent lands are to be managed, and shall provide a short narrative, if pertinent.</p> <p><b>4VAC25-150-750. Inspections.</b></p> <p>Gathering pipelines shall be visually inspected annually by the permittee. The results of each annual inspection shall be maintained by the permittee for a minimum of three years and be submitted to the director upon request.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>Virginia Administrative Code – Title 4 – Conservation &amp; Natural Resources – Agency 25 – Department of Mines, Minerals and Energy – Chapter 150 – Virginia Gas and Oil Regulation – Part I – Standards of General Applicability – Article 3 Enforcement</b></p> <p><b>4VAC25-150-170. Enforcement.</b></p> <p>A. The director shall enforce the provisions of the Act, this chapter, 4VAC25 Chapter 160 (4VAC25-160-10 et seq.) entitled "The Virginia Gas and Oil Board Regulation," any board order, or any condition of a</p>

**Virginia Department of Mines, Minerals and Energy**

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<b>Category</b>	<b>Description</b>
	<p>permit, and may use the following methods:</p> <ol style="list-style-type: none"><li>1. Obtaining voluntary compliance through conference, warning or other means prior to issuing any enforcement notice or order;</li><li>2. Issuing notices of violation in accordance with 4VAC25-150-180;</li><li>3. Issuing closure orders in accordance with 4VAC25-150-190;</li><li>4. Issuing show cause orders in accordance with 4VAC25-150-200;</li><li>5. Issuing emergency orders in accordance with § 45.1-361.27 D of the Code of Virginia; or</li><li>6. Any other action in accordance with the Code of Virginia.</li></ol> <p>B. The purpose of taking actions under this section is to obtain compliance with the provisions of the Act, this chapter, 4VAC25 Chapter 160 (4VAC25-160-10 et seq.) entitled "The Virginia Gas and Oil Board Regulation," any board order, or conditions of a permit.</p> <p>C. Reclamation operations and other activities intended to protect the public health and safety and the environment shall continue during the period of any notice or order unless otherwise provided in the notice or order.</p> <p>D. Any person found to be conducting a gas, oil or geophysical operation without a permit from the director shall be subject to enforcement for operating without a permit and for not meeting any other standards of the Act or this chapter which would be required if the person was operating under a permit.</p> <p>E. Decisions of the director may be appealed to the Virginia Gas and Oil Board pursuant to § 45.1-361.23 of the Code of Virginia.</p>
Link	<a href="http://www.dmme.virginia.gov/DGO/documents/inspectionenforcement.shtml">http://www.dmme.virginia.gov/DGO/documents/inspectionenforcement.shtml</a>

<b>Virginia Department of Mines, Minerals and Energy</b>	
<b>Division of Gas and Oil</b>	
<b>Category</b>	<b>Description</b>
	<a href="http://www.dmme.virginia.gov/DGO/Board/DGOAct.pdf">http://www.dmme.virginia.gov/DGO/Board/DGOAct.pdf</a> <a href="http://www.dmme.virginia.gov/DGO/Board/DGORegs.pdf">http://www.dmme.virginia.gov/DGO/Board/DGORegs.pdf</a>

Table A.28B – Virginia State Corporation Commission, Division of Utility and Railroad Safety, Pipeline Safety Section

<b>Virginia State Corporation Commission, Division of Utility and Railroad Safety, Pipeline Safety Section</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Virginia State Corporation Commission, Division of Utility and Railroad Safety, Pipeline Safety Section</b></p> <p>The Division of Utility and Railroad Safety assists the State Corporation Commission's three Commissioners in administering safety programs involving underground utility damage prevention, jurisdictional natural gas and hazardous liquid pipeline facilities, and railroads. The Pipeline Safety section of the Division helps ensure the safe operation of natural gas and hazardous liquid pipeline facilities through inspections of facilities, review of records and investigation of incidents.</p> <p>The federal pipeline safety statutes found at 49 U.S.C. § 60101 et seq. ("Act"), formerly the Natural Gas Pipeline Safety Act, require the Secretary of Transportation ("Secretary") to establish minimum federal safety standards for the transportation of gas and hazardous liquid and pipeline facilities. The Secretary is further authorized to delegate to an appropriate state agency the authority to prescribe safety standards and enforce compliance with such standards over pipeline facilities used for intrastate transportation.</p> <p>The State Corporation Commission ("Commission") has been designated as the appropriate state agency for the Commonwealth of Virginia to prescribe and enforce compliance with standards for pipeline facilities used for intrastate transportation. The Commission has adopted Parts 191, 192, 193, 195, and 199 of Title 49 of the Code of Federal Regulations to serve as minimum gas pipeline safety standards ("Safety Standards") in Virginia. The Commission is authorized to enforce the Safety Standards for natural</p>

**Virginia State Corporation Commission, Division of Utility and  
Railroad Safety, Pipeline Safety Section**

<b>Category</b>	<b>Description</b>
	<p>gas facilities under § 56-257.2 B and for hazardous liquid under § 56-555 of the Code of Virginia. The division assists the commission in administering gas and hazardous liquid safety programs to ensure compliance with the pipeline safety standards.</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates and inspects interstate gas transmission operators in Virginia. Through certification by OPS, the state of Virginia regulates and inspects the intrastate gas pipeline operators. By signed agreement with OPS, Virginia also regulates and inspects the interstate hazardous liquid pipeline operator in Virginia.</p>
Regulation in Place	<p><b>Virginia Administrative Code – Title 20 – Public Utilities and Telecommunications – Agency 5 – State Corporation Commission</b></p> <p><b>Chapter 307 – Rules Governing the Safety of Master-Metered Natural Gas Systems</b></p> <p><b>Chapter 308 – Rules Governing the Safety of Intrastate Hazardous Liquid Pipeline Systems</b></p> <p><b>Code of Virginia – Title 56 – Public Service Companies – Chapter 10 - Heat, Light, Power, Water and Other Utility Companies Generally</b></p>
Summary	<p><b>Virginia Administrative Code – Title 20 – Public Utilities and Telecommunications – Agency 5 – State Corporation Commission</b></p> <p><b>Chapter 307 – Rules Governing the Safety of Master-Metered Natural Gas Systems</b>  <b>20VAC5-307-10. Master-metered natural gas systems.</b></p> <p>A. These rules are adopted pursuant to § 56-257-2 of the Code of Virginia to establish safety and inspection requirements for master-metered natural gas systems as defined by federal regulations promulgated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. § 1671 et seq.), as amended.</p>

**Virginia State Corporation Commission, Division of Utility and  
Railroad Safety, Pipeline Safety Section**

<b>Category</b>	<b>Description</b>
	<p>B. Parts 191 and 192 of Title 49 of the Code of Federal Regulations are hereby adopted by reference as the minimum pipeline safety regulations applicable to master-metered systems within the commission's jurisdiction under § 56-257-2 of the Code of Virginia.</p> <p><b>Chapter 308 – Rules Governing the Safety of Intrastate Hazardous Liquid Pipeline Systems</b>  <b>20VAC5-308-10. Safety of intrastate hazardous liquid pipeline systems.</b></p> <p>A. These rules are adopted pursuant to § 56-555 of the Code of Virginia to establish safety and inspection requirements for intrastate hazardous liquid pipeline systems as defined by federal regulation promulgated under 49 U.S.C. § 60101.</p> <p>B. Parts 195 and 199 of Title 49 of the Code of Federal Regulations are hereby adopted by reference as the minimum pipeline safety regulations applicable to intrastate hazardous liquid pipeline systems within the commission's jurisdiction.</p> <p><b>Code of Virginia – Title 56 – Public Service Companies – Chapter 10 - Heat, Light, Power, Water and Other Utility Companies Generally</b></p> <p><b>§ 56-257.2. Gas pipeline safety.</b></p> <p>A. Notwithstanding any other provision of law, the Commission shall have the authority to regulate the safety of master-metered gas systems, landfill gas transmission or distribution facilities transmitting or distributing landfill gas off premises from a solid waste management facility permitted by the Department of Environmental Quality, and other gas pipeline facilities used in intrastate pipeline transportation, all as defined in the federal regulations promulgated under 49 U.S.C. § 60101 et seq., as amended, and the federal pipeline safety laws, owned or operated by any person, limited liability company, business entity or association of individuals. The authority granted herein shall be exercised in a manner that is not inconsistent with the above-referenced federal regulations and pipeline safety laws.</p> <p>This subsection shall not apply to gas systems and pipeline facilities</p>

**Virginia State Corporation Commission, Division of Utility and  
Railroad Safety, Pipeline Safety Section**

<b>Category</b>	<b>Description</b>
	<p>owned or operated by any county, city, or town.</p> <p>B. For the purposes of pipeline facilities used in the intrastate transportation of gas, all as defined in the federal regulations promulgated under 49 U.S.C. § 60101 et seq., as amended, and the federal pipeline safety laws, and notwithstanding any other provision of law, any person, limited liability company, business entity or association of individuals failing or refusing to obey Commission orders relating to the adoption or enforcement of regulations for the design, construction, operation, and maintenance of intrastate pipeline facilities and temporary or permanent injunctions issued by the Commission shall be fined such sums not exceeding the fines and penalties specified by 49 U.S.C. § 60122 (a) (1), as amended. Should the operation of such order be suspended pending an appeal, the period of such suspension shall not be computed against the person in the matter of his liability to fines or penalties. The authority granted herein shall be exercised in a manner that is not inconsistent with the above-referenced federal regulations and pipeline safety laws.</p> <p><b>§ 56-555. Commission to implement the federal Hazardous Liquid Pipeline Safety Act.</b></p> <p>A. The Commission is authorized to act for the United States Secretary of Transportation to implement the federal Hazardous Liquid Pipeline Safety Act, 49 U.S.C. § 60101 et seq., with respect to intrastate and interstate pipelines located within the Commonwealth to the extent authorized by certification or agreement with the Secretary under Section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. § 60106). To carry out its responsibilities under this section, the Commission shall have the same powers as given the Secretary in Sections 210 and 211 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. §§ 60108, 60117 and 60120).</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority	Active



<b>Virginia State Corporation Commission, Division of Utility and Railroad Safety, Pipeline Safety Section</b>	
<b>Category</b>	<b>Description</b>
Active/Passive	
Link	<a href="http://www.scc.virginia.gov/urs/index.aspx">http://www.scc.virginia.gov/urs/index.aspx</a> <a href="http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+20VAC5">http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+20VAC5</a> <a href="http://leg1.state.va.us/000/reg/TOC20005.HTM">http://leg1.state.va.us/000/reg/TOC20005.HTM</a> <a href="http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+20VAC5-307-10">http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+20VAC5-307-10</a> <a href="http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-257.2">http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-257.2</a> <a href="http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+20VAC5-308-10">http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+20VAC5-308-10</a> <a href="http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-555">http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-555</a>

## A.29 WEST VIRGINIA

The West Virginia Public Service Commission has power and authority to prescribe and enforce safety standards for pipeline facilities, and to regulate safety practices of persons engaged in the transportation of gas or hazardous liquids. Through certification by OPS, the state of West Virginia regulates and inspects the interstate and intrastate gas and hazardous liquid pipeline operators in West Virginia. The West Virginia Oil and Gas Conservation Commission regulates the drilling of deep wells in the state, approves drilling permits, and conducts hearings on matters relating to the exploration for or production of oil and gas from deep wells. However, it does not regulate gathering lines. Tables A.29A and A.29B present additional information about regulation and enforcement of gathering lines in the state of West Virginia.

Table A.29A – West Virginia Division of Environmental Protection, Oil and Gas Conservation Commission

<b>West Virginia Division of Environmental Protection Oil and Gas Conservation Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<b>West Virginia Division of Environmental Protection, Oil and Gas Conservation Commission</b>

<b>West Virginia Division of Environmental Protection</b> <b>Oil and Gas Conservation Commission</b>	
	<p>The West Virginia Oil and Gas Conservation Commission (OGCC) regulates the drilling of deep wells in the state. The OGCC approves drilling permits and conducts hearings on matters relating to the exploration for or production of oil and gas from deep wells. Hearings are held to determine the optimum spacing of wells and to pool the interests of royalty owners and operators of a drilling unit. Objectives of the OGCC are to: - Foster, encourage and promote exploration for and development, production, utilization and conservation of oil and gas resources; - Prohibit waste of oil and gas resources and unnecessary surface loss of oil and gas; - Encourage the maximum recovery of oil and gas; and Safeguard, protect and enforce the correlative rights of operators and royalty owners in a pool of oil or gas to the end that each operator and royalty owner may obtain his just and equitable share and production from such pool of oil or gas.</p>
Regulation in Place	<p><b>West Virginia Code, Chapter 22C, Environmental Resources; Boards, Authorities, Commissions and Compacts, Article 9. Oil and Gas Conservation</b></p>
Summary	<p><b>West Virginia Code, Chapter 22C, Environmental Resources; Boards, Authorities, Commissions and Compacts, Article 9. Oil and Gas Conservation</b></p> <p>There are no regulations in Chapter 22C that apply to gathering lines.</p>
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive. (There are Web postings for vacancies for oil and gas inspectors (see last Web link below).
Link	<p><a href="http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=22c">http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=22c</a></p> <p><a href="http://www.dep.wv.gov/oil-and-gas/Pages/default.aspx">http://www.dep.wv.gov/oil-and-gas/Pages/default.aspx</a></p> <p><a href="http://www.dep.wv.gov/oil-and-gas/Documents/OOG%20Debbie%20Hughes%20stuff.pdf">http://www.dep.wv.gov/oil-and-gas/Documents/OOG%20Debbie%20Hughes%20stuff.pdf</a></p>

Table A.29B – West Virginia Public Service Commission

<b>West Virginia Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>West Virginia Public Service Commission</b></p> <p>Through certification by (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), the state of West Virginia regulates and inspects the interstate and intrastate gas and hazardous liquid pipeline operators in West Virginia.</p>
Regulation in Place	<p><b>West Virginia Code, Chapter 24, Public Service Commission, Article 1. General Provisions</b></p>
Summary	<p><b>West Virginia Code, Chapter 24, Public Service Commission, Article 1. General Provisions</b></p> <p><b>Chapter 24B. Gas Pipeline Safety, Article 1. Purpose and Definitions.</b></p> <p><b>§24b-1-2. Definitions.</b></p> <p>When used in this chapter:</p> <p>(5) "Transportation of hazardous liquids" means the movement of hazardous liquids by pipeline, or their storage incidental to such movements; except that it shall not include any such movement through gathering lines in rural locations or on shore production, refining or manufacturing facilities or storage or in-plant piping systems associated with any of such facilities;</p> <p>(6) "Pipeline facilities" means, without limitation, new and existing pipe, pipe rights-of-way and any equipment, facility, or building used in the transportation of gas or the treatment of gas during the course of transportation, or used in the transportation of hazardous liquid or the treatment of hazardous liquid during the course of transportation; but "rights-of-way" as used in this chapter does not authorize the commission to prescribe the location or routing of any pipeline facility;</p>

<b>West Virginia Public Service Commission</b>	
<b>Category</b>	<b>Description</b>
	<p>(14) "Act of 1968" means the act of Congress known as the Natural Gas Pipeline Safety Act of 1968; and</p> <p>(15) "Act of 1979" means the act of Congress known as the "Hazardous Liquid Pipeline Safety Act of 1979."</p> <p><b>Chapter 24B. Gas Pipeline Safety, Article 2. Powers and Duties of the Commission</b></p> <p><b>§24B-2-1. Jurisdiction.</b></p> <p>The commission shall have power and authority to prescribe and enforce safety standards for pipeline facilities, and to regulate safety practices of persons engaged in the transportation of gas or hazardous liquids, to the extent permitted by the "Act of 1968" and the "Act of 1979" and any amendments thereto. Such standards may apply to the design, installation, inspection, testing, construction, extension, operation, replacement and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection and initial testing shall not be applicable to pipeline facilities in existence on the date such standards are adopted. Whenever the commission shall find a particular facility to be hazardous to life or property, it shall be empowered to require the person operating such facility to take such steps necessary to remove such hazards. Such safety standards shall be practicable and designed to meet the need for pipeline safety.</p>
Enforcement Authority Yes/No	Yes.
Enforcement Authority Active/Passive	Active
Link	<a href="http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=24b">http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=24b</a>

**A.30 WYOMING**

The Wyoming Public Service Commission performs inspections of natural gas intrastate transmission pipelines, natural gas distribution systems, liquid propane gas distribution systems, direct sales lateral, certain regulated gas gathering systems and liquefied natural gas systems. In Wyoming, OPS inspects, regulates, and enforces interstate gas pipeline safety requirements and inspects, regulates, and enforces both intrastate and interstate liquid pipeline safety requirements. Through certification by OPS, the state of Wyoming regulates, inspects, and enforces intrastate gas pipeline safety requirements. The Wyoming Oil and Gas Conservation Commission is responsible for promoting the beneficial and environmentally responsible development of Wyoming’s oil and gas resources and overseeing the permitting process for oil and gas drilling in the state. The Wyoming Oil and Gas Conservation Commission does not regulate gathering lines. Tables A.30A and A.30B present additional information about regulation and enforcement of gathering lines in the state of Wyoming.

Table A.30A – Wyoming Oil and Gas Conservation Commission

<b>Wyoming Oil and Gas Conservation Commission</b>	
<b>Category</b>	<b>Description</b>
State Agency	<p><b>Oil and Gas Conservation Commission</b></p> <p>The mission of the Wyoming Oil and Gas Conservation Commission (WOGCC ) is to promote the beneficial and environmentally responsible development of Wyoming’s oil and gas resources. The WOGCC oversees the permitting process for oil and gas drilling in the state. The WOGCC does not regulate gathering lines.</p>
Regulation in Place	No regulation in place
Summary	No regulation in place
Enforcement Authority Yes/No	No
Enforcement Authority Active/Passive	Passive
Link	<a href="http://wogcc.state.wy.us/">http://wogcc.state.wy.us/</a>

Table A.30B – Wyoming Public Utilities Commission, Gas Pipeline Safety Division

**Wyoming Public Utilities Commission,  
Gas Pipeline Safety Division**

<b>Category</b>	<b>Description</b>
State Agency	<p><b>Wyoming Public Utilities Commission, Gas Pipeline Safety Division</b></p> <p>The Wyoming Public Service Commission has been authorized by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety (PHMSA) to perform inspections of Natural Gas Intrastate Transmission Pipelines, Natural Gas Distribution Systems, Liquid Propane Gas Distribution Systems, Direct Sales Lateral, Certain Regulated Gas Gathering Systems and Liquefied Natural Gas Systems in the State of Wyoming. The Commission's Facility Engineering Section will inspect 34 Natural Gas Pipeline Operators and Gas Utilities. The types of inspections that are conducted include the Standard Transmission and Distribution safety inspections, Accident and Incident investigations, Drug and Alcohol Program inspections, Operator Qualification inspections, Integrity Management Program inspections, and any investigations that the Commission may deem necessary. The Facility's Engineering Staff attempts to inspect each operator annually, but never longer than every other year. The inspections are conducted to insure compliance with 49 CFR §§ 191, 192, 193 and 199.</p> <p><b>Natural Gas:</b></p> <p>In its pipeline safety program, the WPSC inspects facilities, operator qualification, substance abuse prevention programs, integrity management and conducts public awareness audits. In turn, PHMSA conducts annual audits and certification procedures to ensure our inspection WPSC Strategic Plan 2009-2010 biennium Page 7 of 7 program meets its requirements for the number of inspection days, the regular inspection of all utilities and pipeline operators, the timeliness and accuracy of information provided to PHMSA and the number and type of specialized inspections conducted. The audit score and the annual PHMSA certification scores combine to produce a total program score which determines the amount of federal Grant-in-Aid funding the WPSC receives to offset costs of our natural gas pipeline safety program. PHMSA has informed us (and other state inspection programs) that future audits and certifications will look deeper into the Pipeline Safety Program, making it more difficult to achieve a perfect score of 100. PHMSA will implement this heightened level of scrutiny because it is now possible to receive a</p>

<b>Wyoming Public Utilities Commission, Gas Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p>higher percentage of federal funding for state programs under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act).</p> <p>The Office of Pipeline Safety (OPS), within the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects, regulates and enforces interstate gas pipeline safety requirements in Wyoming. OPS also inspects, regulates and enforces both intrastate and interstate liquid pipeline safety requirements in Wyoming. Through certification by OPS, the state of Wyoming regulates, inspects, and enforces intrastate gas pipeline safety requirements.</p>
Regulation in Place	<b>Wyoming Statute, Title 37 – Public Utilities</b>
Summary	<p><b>Wyoming Statute, Title 37 – Public Utilities, Chapter 2 – Public Service Commission, Article 1 – In General</b></p> <p><b>37-2-131. Supplemental safety jurisdiction of commission.</b></p> <p>(a) The commission shall have regulatory safety jurisdiction over any "intrastate gas pipeline facility" as defined under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, 49 U.S.C. 60101, et seq., as amended, for the sole purpose of implementing the safety standards and practices of the federal act to such intrastate gas pipeline facility. This jurisdiction shall not apply to an "intrastate gas pipeline facility" which is otherwise subject to federal regulatory jurisdiction for safety purposes. The commission is authorized under this section to implement such safety standards and practices only to the extent the secretary of transportation is so authorized under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006. The commission's jurisdiction under this section shall only apply where the secretary of transportation has delegated, or otherwise authorized, the state of Wyoming to act on his behalf, and the state of Wyoming has formally accepted the delegation or other authorization prior to the exercise of the jurisdiction by the commission.</p>

<b>Wyoming Public Utilities Commission, Gas Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	<p><b>Wyoming Statute, Title 37 – Public Utilities, Chapter 2 – Public Service Commission, Chapter 4, Special Regulations - Gas Utilities Only</b></p> <p>Section 417. Minimum Gas Pipeline Safety Standards. All pipelines and pipeline facilities for the transportation of gas within the State of Wyoming shall conform with and be subject to all the provisions of Sections 191.1 through and including 191.19 and 192.3 through and 4 - 7 including 192.753, and all appendixes incorporated therein, of the Federal Minimum Safety Standards promulgated by the United States Department of Transportation by dictate of the Natural Gas Pipeline Safety Act of 1968, which standards appear in Part 191 and 192 of Title 49 of the Code of Federal Regulations as published in the Federal Register on August 19, 1970 (35 C.F.R. 13247). All amendments, supplements, extensions and revisions of the said Federal Minimum Safety Standards shall, upon their respective effective dates, be deemed adopted by the Commission for the purposes of this rule.</p>
Enforcement Authority Yes/No	Yes
Enforcement Authority Active/Passive	<p>Active</p> <p><b>Wyoming Statute, Title 37 – Public Utilities, Chapter 2 – Public Service Commission, Article 1. In General</b></p> <p><b>37-2-131. Supplemental safety jurisdiction of commission.</b></p> <p>(a) The commission shall have regulatory safety jurisdiction over any "intrastate gas pipeline facility" as defined under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, 49 U.S.C. § 60101, et seq., as amended, for the sole purpose of implementing the safety standards and practices of the federal act to such intrastate gas pipeline facility. This</p>



<b>Wyoming Public Utilities Commission, Gas Pipeline Safety Division</b>	
<b>Category</b>	<b>Description</b>
	jurisdiction shall not apply to an "intrastate gas pipeline facility" which is otherwise subject to federal regulatory jurisdiction for safety purposes. The commission is authorized under this section to implement such safety standards and practices only to the extent the secretary of transportation is so authorized under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006. The commission's jurisdiction under this section shall only apply where the secretary of transportation has delegated, or otherwise authorized, the state of Wyoming to act on his behalf, and the state of Wyoming has formally accepted the delegation or other authorization prior to the exercise of the jurisdiction by the commission.
Link	<a href="http://psc.state.wy.us/">http://psc.state.wy.us/</a> <a href="http://psc.state.wy.us/pscdocs/Pipeline.html">http://psc.state.wy.us/pscdocs/Pipeline.html</a> <a href="http://soswy.state.wy.us/Rules/RULES/7947.pdf">http://soswy.state.wy.us/Rules/RULES/7947.pdf</a> <a href="http://soswy.state.wy.us/Rules/RULES/7949.pdf">http://soswy.state.wy.us/Rules/RULES/7949.pdf</a> <a href="http://soswy.state.wy.us/Rules/default.aspx">http://soswy.state.wy.us/Rules/default.aspx</a>

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**APPENDIX B. FEDERAL AGENCY ROLES AND RESPONSIBILITIES FOR  
GATHERING LINES**

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## APPENDIX B. OTHER FEDERAL AGENCY ROLES AND RESPONSIBILITIES FOR GATHERING LINES

The roles and responsibilities in design, construction, operation, maintenance, siting, licensing, and permitting of hazardous liquid or natural gas gathering lines for the other federal agencies listed in Table 4.1 are summarized in Table B.1.

Table B.1 – Roles and responsibilities for other federal agencies with authority over natural gas and hazardous liquid gathering lines

Agency	Category	Description
Bureau of Land Management	Agency	<p><b>U.S. Department of the Interior, Bureau of Land Management</b></p> <p>The Bureau of Land Management (BLM), a bureau in the U.S. Department of the Interior, has jurisdiction over onshore leasing, exploration, development, and production of oil and gas on federal lands. In addition, the BLM approves and supervises most oil and gas operations on American Indian lands.</p> <p>The Secretary of the Interior or such officer as he may designate shall perform all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government.</p> <p>The Bureau of Land Management (BLM) is responsible for the management of Federal lands. The BLM is responsible for issuing right-of-way grants and permits authorizing the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined products produced therefrom, by pipelines using Federal lands. Section 28 of the Mineral Leasing Act of 1920, as amended, gives BLM the authority to issue right-of-way grants and permits for oil and gas pipelines through all lands owned by the United States, except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf.</p>
	Regulation in Place	The BLM regulations governing onshore oil and gas operations are codified at 43 CFR Part 3160—Onshore Oil and Gas Operations.

Agency	Category	Description
	Summary	<p data-bbox="605 279 1406 317"><b>Subpart 3160—Onshore Oil and Gas Operations: General</b></p> <p data-bbox="605 401 881 438"><b>§ 3160.0–1 Purpose.</b></p> <p data-bbox="605 464 1398 569">The regulations in this part govern operations associated with the exploration, development and production of oil and gas deposits from—</p> <ul style="list-style-type: none"> <li data-bbox="605 594 1263 632">(a) Leases issued or approved by the United States;</li> <li data-bbox="605 657 1084 695">(b) Restricted Indian land leases; and</li> <li data-bbox="605 720 1414 930">(c) Those leases under the jurisdiction of the Secretary of the Interior by law or administrative arrangement including the National Petroleum Reserve- Alaska (NPR-A). However, provisions relating to suspension and royalty reductions contained in subpart 3165 of this part do not apply to the NPR-A.</li> </ul> <p data-bbox="605 1020 854 1058"><b>§ 3160.0–2 Policy.</b></p> <p data-bbox="605 1083 1422 1262">The regulations in this part are administered under the direction of the Director of the Bureau of Land Management; except that as to lands within naval petroleum reserves, they shall be administered under such official as the Secretary of Energy shall designate.</p> <p data-bbox="605 1352 1117 1390"><b>§ 3162.7–1 Disposition of production.</b></p> <ul style="list-style-type: none"> <li data-bbox="605 1415 1414 1556">(c)(2) Any person engaged in transporting any oil or gas by pipeline from any lease site, or allocated to any lease site, shall maintain documentation showing, at a minimum, the amount, origin, and intended first purchaser of such oil or gas.</li> </ul> <p data-bbox="605 1646 932 1684"><b>§ 3164.3 Surface rights.</b></p> <ul style="list-style-type: none"> <li data-bbox="605 1709 1414 1877">(b) Except for the National Forest System lands, the authorized officer is responsible for approving and supervising the surface use of all drilling, development, and production activities on the leasehold. This includes storage tanks and processing facilities, sales facilities, all pipelines upstream from such</li> </ul>

Agency	Category	Description
		facilities, and other facilities to aid production such as water disposal pits and lines, and gas or water injection lines.
	Enforcement Authority Yes/No	Yes
	Enforcement Authority Active/Passive	<p>Active</p> <p><b>Subpart 3160—Onshore Oil and Gas Operations: General</b></p> <p><b>§ 3161.3 Inspections.</b></p> <p>(a) The authorized officer shall establish procedures to ensure that each Federal and Indian lease site which is producing or is expected to produce significant quantities of oil or gas in any year or which has a history of noncompliance with applicable provisions of law or regulations, lease terms, orders or directives shall be inspected at least once annually. Similarly, each lease site on non-Federal or non-Indian lands subject to a formal agreement such as a unit or communitization agreement which has been approved by the Department of the Interior and in which the United States or the Indian lessors share in production shall be inspected annually whenever any of the foregoing criteria are applicable.</p> <p>(b) In accomplishing the inspections, the authorized officer may utilize Bureau personnel, may enter into cooperative agreements with States or Indian Tribes, may delegate the inspection authority to any State, or may contract with any non-Federal Government entities. Any cooperative agreement, delegation or contractual arrangement shall not be effective without concurrence of the Secretary and shall include applicable provisions of the Federal Oil and Gas Royalty Management Act.</p>
	Link	<p><a href="http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS_REALTY_AND_RESOURCE_PROTECTION_/energy/oil_and_gas.Par.38844.File.dat/43%20CFR%203160%20October%201%202011.pdf">http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS_REALTY_AND_RESOURCE_PROTECTION_/energy/oil_and_gas.Par.38844.File.dat/43%20CFR%203160%20October%201%202011.pdf</a></p> <p><a href="http://web.ead.anl.gov/dwm/regs/federal/blm/index.cfm">http://web.ead.anl.gov/dwm/regs/federal/blm/index.cfm</a></p>

Agency	Category	Description
Army Corps of Engineers	Agency	<p><b>U.S. Department of Defense, Army Corps of Engineers</b></p> <p>The U.S. Army Corps of Engineers (COE), within the Department of Defense (DOD), issues approvals of structures or activities in navigable waters and approvals of placement of dredged or fill material in waters of the U.S. including wetlands. Interstate pipelines and LNG projects normally require one or more permits from the Corps.</p>
	Regulation in Place	<p>The Army Corps of Engineers is responsible for the administration of laws for the protection of waters of the United States, pursuant to section 10 of the Rivers and Harbors Act of 1899 (RHA; 33 U.S.C. 403), section 404 of the Clean Water Act of 1972, as amended (CWA; 33 U.S.C. 1344), and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA; 33 U.S.C. 1413). The RHA authorizes all work and or structures in or affecting the course, condition, location, or capacity of navigable waters of the United States and artificial islands, installations, or other devices on the Outer Continental Shelf. The CWA authorizes the discharge of dredged or fill material into the waters of the United States, including wetlands. The MPRSA authorizes the transportation of dredged material excavated from navigable waters of the United States for the purpose of dumping it in ocean waters. It is expected that the COE may authorize most pipeline repair activities under these Acts through the use of existing nationwide permits. Where the impacts on the aquatic resources may be more than minimal either individually or cumulatively, individual permits may be warranted, and in emergency situations, as defined by the COE, emergency permits may be used as necessary. Letters of permission and/or regional general permits may be established at the local and regional level to further abbreviate the permitting process. The different permitting program requirements and conditions are set forth in 33 CFR Parts 320-330.</p>
	Summary	<p>The U.S. Army Corps of Engineers has the responsibility for regulating work in waters of the United States, including wetlands. The goals of this program are to protect the aquatic environment, enhance the efficiency of decisions, and ensure fair and reasonable decisions.</p> <p>There are three major U.S. Army Corps of Engineer authorities that establish permit requirements:</p>



Agency	Category	Description
		<ul style="list-style-type: none"> <li>• Section 404 of the Clean Water Act of 1972 prohibits the discharge of dredged or fill material into waters of the United States, including wetlands, without a Department of the Army permit.</li> <li>• Section 10 of the Rivers and Harbors Act of 1899 prohibits the obstruction or alteration of navigable waters of the United States without a Department of the Army permit.</li> <li>• Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 prohibits the transportation of dredged material for ocean dumping without a Department of the Army permit.</li> </ul> <p>Regulatory responsibilities are carried out by the seven Districts. Applicants may appeal standard permit denials and permit conditions, and jurisdictional determinations under an administrative appeal process managed by the Great Lakes and Ohio River Division.</p>
	Enforcement Authority Yes/No	Yes
	Enforcement Authority Active/Passive	Active
	Link	<a href="http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx">http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx</a> <a href="http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/MOUMOAs.aspx">http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/MOUMOAs.aspx</a> <a href="http://www.usace.army.mil/Portals/2/docs/civilworks/mous/pipe_lin_repair.pdf">http://www.usace.army.mil/Portals/2/docs/civilworks/mous/pipe_lin_repair.pdf</a> <a href="http://www.usace.army.mil/Portals/2/docs/civilworks/mous/ferc_gaspipeline.pdf">http://www.usace.army.mil/Portals/2/docs/civilworks/mous/ferc_gaspipeline.pdf</a> <a href="http://www.usace.army.mil/Portals/2/docs/civilworks/mous/gas_interagency_mou.pdf">http://www.usace.army.mil/Portals/2/docs/civilworks/mous/gas_interagency_mou.pdf</a> <a href="http://www.lrd.usace.army.mil/regulatory/">http://www.lrd.usace.army.mil/regulatory/</a>
U.S. Coast	Agency	<b>U.S. Department of Homeland Security, United States</b>

Agency	Category	Description
Guard		<p><b>Coast Guard</b></p> <p>The <a href="#">U.S. Coast Guard</a> regulates facilities that are capable of transferring oil or hazardous materials in bulk to or from a vessel, where the vessel has a total capacity of 250 barrels or more. Pipelines are subject to <a href="#">safety regulations</a> relative to preparedness and response to spills on navigable waters.</p> <p>The U.S. Coast Guard issues approvals of work associated with construction and maintenance of bridges at aerial pipeline crossings over navigable waters and other activities that may impact navigation; oversees vessel movement in and out of the Valdez Marine Terminal in Alaska; and terminal safety issues.</p>
	Link	<p><a href="http://www.uscg.mil/d17/">http://www.uscg.mil/d17/</a></p>
Fish and Wildlife Service	Agency	<p><b>U.S. Department of the Interior, Fish and Wildlife Service</b></p> <p>The Fish and Wildlife Service (FWS), within the Department of the Interior, consults on projects potentially affecting fresh water or marine resources and water quality. In addition, the FWS manages the National Wildlife Refuge System (NWRS), and may authorize use by permit for areas within the NWRS. Permits enable the public to engage in legitimate wildlife-related activities that would otherwise be prohibited by law. Service permit programs ensure that such activities are carried out in a manner that safeguards wildlife. Additionally, some permits promote conservation efforts by authorizing scientific research, generating data, or allowing wildlife management and rehabilitation activities to go forward.</p>
	Regulation in Place	<p>The Fish and Wildlife Service is responsible for assisting other Federal agencies and the public in the conservation, protection, and enhancement of fish, wildlife, plants, and their habitats, pursuant to the Fish and Wildlife Coordination Act (FWCA; 16 U.S.C. 661 et seq.). The FWS has principal trust responsibility to protect and conserve migratory birds, threatened and endangered species, certain marine mammals, and inter-jurisdictional fishes. In particular, Section 7 of the Endangered Species Act of 1973, as amended (ESA, 16 U.S.C. 1531 et seq.), requires that Federal agencies insure that the actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species or destroy or adversely modify their designated critical habitat. Further, the Migratory</p>

Agency	Category	Description
		Bird Treaty Act (MBTA; 16 U.S.C. 703-712), prohibits the taking, killing, possession, and transportation of migratory birds, their eggs, parts and nests, except when specifically authorized by the Secretary of the Interior.
	Summary	Federal regulatory agencies and their applicants for pipeline repair projects are required to consult with the FWS on projects potentially affecting any of these resources.
	Enforcement Authority Yes/No	Yes
	Enforcement Authority Active/Passive	Active
	Link	<a href="http://www.fws.gov/">http://www.fws.gov/</a> <a href="http://www.fws.gov/permits/overview/overview.html">http://www.fws.gov/permits/overview/overview.html</a>
U.S. Postal Service	Agency	<p><b>U.S. Postal Service</b></p> <p>The U.S. Postal Service can lease postal service lands for oil and gas development.</p>
	Link	<a href="https://www.usps.com/">https://www.usps.com/</a> <a href="http://web.ead.anl.gov/dwm/regs/federal/blm/index.cfm">http://web.ead.anl.gov/dwm/regs/federal/blm/index.cfm</a>
General Services Administration	Agency	<p><b>General Services Administration</b></p> <p>The General Services Administration (GSA) an independent agency of the U.S. Government, established in 1949 to help manage and support the basic functioning of federal agencies. The GSA supplies products and communications for U.S. government offices, provides transportation and office space to federal employees, and develops government-wide cost-minimizing policies, and other management tasks. It can lease lands that have been acquired by a federal agency and later declared "excess" to the acquiring agency's needs.</p>
	Link	<a href="http://web.ead.anl.gov/dwm/regs/federal/blm/index.cfm">http://web.ead.anl.gov/dwm/regs/federal/blm/index.cfm</a>
Bureau of	Regulation in	<b>U.S. Department of the Interior, Bureau of Indian Affairs</b>

Agency	Category	Description
Indian Affairs	Place	<p>The Bureau of Indian Affairs (BIA), within the Department of the Interior, is charged with the administration of Federal Indian policy and the discharge of the Federal trust for American Indian Tribes, Alaska Native villages and tribal organizations. BIA is responsible for approving rights-of-way across lands held in trust for an Indian or Indian Tribe. In addition, regarding natural gas and all rights-of-way for energy resource transport, BIA must consult and coordinate through government-to-government relations with any affected Tribe. It also provides services directly or through contracts, grants, or compacts to 566 Federally recognized tribes.</p>
	Link	<p><a href="http://www.bia.gov/">http://www.bia.gov/</a></p>
National Park Service	Agency	<p><b>U.S. Department of the Interior, National Park Service</b></p> <p>The National Park Service (NPS), within the Department of the Interior, is led by a Director nominated by the President and confirmed by the U.S. Senate. The Director is supported by senior executives who manage national programs, policy, and budget in the Washington, DC, headquarters and seven regional directors responsible for national park management and program implementation. Collectively, these executives make up our National Leadership Council. The NPS helps administer dozens of affiliated sites, the National Register of Historic Places, National Heritage Areas, National Wild and Scenic Rivers, National Historic Landmarks, and National Trails.</p> <p>The NPS may issue right-of-way permits only for those uses or activities specifically authorized by Congress and only if there is no practicable alternative to such use of NPS lands. There are no general authorities for issuance of right-of-way permits for gas or other petroleum product pipelines across units of the National Park System. However, in individual instances, park-specific legislation provides for such authorization, and some NPS lands have been acquired subject to gas or other petroleum product pipelines easements. The Organic Act (16 U.S.C. 1) and subsequent amendments (16 U.S.C. 1a) direct the NPS to manage all park lands to protect and preserve</p>

Agency	Category	Description
		natural and cultural resources.
	Links	<a href="http://www.nps.gov/index.htm">http://www.nps.gov/index.htm</a> <a href="http://www.nps.gov/news/upload/NPS-Overview-updated-Oct-11-2012.pdf">http://www.nps.gov/news/upload/NPS-Overview-updated-Oct-11-2012.pdf</a>
U.S. Environmental Protection Agency	Agency	<p><b>U.S. Environmental Protection Agency</b></p> <p>The Environmental Protection Agency (EPA) is responsible for administering a wide variety of environmental laws. The responsibilities of EPA relevant to the pipeline permitting process include commenting on Environmental Impact Statements (EISs) under section 309 of the Clean Air Act, participating in the Clean Water Act section 404 permit process, and issuing or reviewing authorized States' issuance of National Pollutant Discharge Elimination System permits for point source discharges of storm water from construction activities that disturb areas in excess of one acre, pursuant to section 402 of the Clean Water Act.</p> <p>The EPA is entrusted with protecting human health and safeguarding the natural environment—air, water, and land. The EPA works with other federal agencies, state and local governments, and Indian tribes to develop and enforce regulations under existing environmental laws. The EPA, which is responsible for researching and setting national standards for a variety of federal environmental programs, delegates to states and tribes the responsibilities for issuing permits and monitoring and enforcing compliance. Where national standards are not met, the EPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality. Programs not delegated to the states are managed through the EPA's regional offices.</p>
	Links	<a href="http://www.epa.gov/">http://www.epa.gov/</a> <a href="http://web.ead.anl.gov/dwm/regs/federal/epa/index.cfm">http://web.ead.anl.gov/dwm/regs/federal/epa/index.cfm</a>
Minerals Management Service	Agency	<p><b>U.S. Department of the Interior, Minerals Management Service</b></p> <p>Prior to October 1, 2011, the Minerals Management Service</p>

Agency	Category	Description
		<p>(MMS), within the Department of the Interior, is responsible for issuing and enforcing regulations to promote safe operations, environmental protection, and resource conservation on the Outer Continental Shelf (OCS). The MMS is responsible for granting rights-of-way through submerged lands of the OCS. In addition, the MMS regulates pipelines under the jurisdiction of the Department of the Interior in accordance with MMS policies, practices, and requirements issued under 30 CFR Part 250, Subpart J. MMS and DOT coordinate OCS pipeline inspection and repair activities in accordance with the 1996 MMS/DOT national Memorandum of Understanding and/or other regional agreements (e.g., the “Offshore California Pipeline Inspection Survey Plan” and its implementing Memorandum of Agreement) as applicable.</p> <p>On October 1, 2011, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), formerly the Minerals Management Service (MMS), was replaced by the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) as part of a major reorganization. The BOEMRE regulations governing oil and gas operations in the OCS are codified at <a href="#">30 CFR Part 250 (Oil and Gas and Sulphur Operations in the Outer Continental Shelf)</a>.</p> <p><b>U.S. Department of the Interior, Bureau of Ocean Energy Management</b></p> <p>The Bureau of Ocean Energy Management, an agency within the U.S. Department of the Interior, manages the exploration and development of the nation's offshore resources. It seeks to appropriately balance economic development, energy independence, and environmental protection through oil and gas leases, renewable energy development and environmental reviews and studies. The Bureau of Ocean Energy Management is responsible for managing environmentally and economically responsible development of the nation’s offshore resources. Its functions will include offshore leasing, resource evaluation, review and administration of oil and gas exploration and development plans, renewable energy development, National Environmental Policy Act (NEPA)</p>

Agency	Category	Description
		<p>analysis and environmental studies.</p> <p>All leasing and operations on the Federal offshore are governed by laws and regulations that ensure safe operations and preservation of the environment, while balancing the Nation's needs for energy development. The Bureau enforces compliance with these regulations and periodically updates rules to reflect advancements in technology and new information. This section provides access to the rules being developed, public participation in rulemaking, and compliance requirements.</p> <p><b>U.S. Department of the Interior, Bureau of Safety and Environmental Enforcement</b></p> <p>The Bureau of Safety and Environmental Enforcement, an agency within the U.S. Department of the Interior, is responsible for safety and environmental oversight of offshore oil and gas operations, including permitting and inspections, of offshore oil and gas operations. Its functions include the development and enforcement of safety and environmental regulations, permitting offshore exploration, development and production, inspections, offshore regulatory programs, oil spill response and newly formed training and environmental compliance programs.</p> <p>The Offshore Regulatory Program of the BSEE develops standards and regulations to enhance operational safety and environmental protection for the exploration and development of offshore oil and natural gas on the U.S. Outer Continental Shelf (OCS). The OCS Lands Act authorizes and requires the Bureau to provide for both an annual scheduled inspection and a periodic unscheduled (unannounced) inspection of all oil and gas operations on the outer continental shelf. The annual inspection examines all safety equipment designed to prevent blowouts, fires, spills, or other major accidents.</p> <p>The Oil Spill Response division is responsible for developing</p>

Agency	Category	Description
		<p>standards and guidelines for offshore operators' Oil Spill Response Plans (OSRP) through internal and external reviews of industry OSRPs to ensure compliance with regulatory requirements and coordination of oil spill drill activities. It also plays a critical role in the review and creation of policy, guidance, direction and oversight of activities related to the agency's oil spill response. The division oversees the Unannounced Oil Spill Drill program and works closely with sister agencies such as the U.S. Coast Guard and Environmental Protection Agency to continually enhance response technologies and capabilities.</p> <p>The newly created Environmental Enforcement Division is a first in the federal offshore energy regulatory program. This Division will provide sustained regulatory oversight that is focused on compliance by operators with all applicable environmental regulations, as well as making sure that operators keep the promises they make at the time they obtain their leases, submit their plans and apply for their permits.</p> <p>BSEE is supported by three regional offices: New Orleans, La., Camarillo, Calif. and Anchorage, Alaska. The regional offices are responsible for reviewing Applications for Permit to Drill to ensure all of the recently implemented enhanced safety requirements are met and for conducting inspections of drilling rigs and production platforms using multi-person, multi-discipline inspection teams. BSEE's inspectors issue Incidents of Non-Compliance and have the authority to fine companies through Civil Penalties for regulatory infractions. Regional and field operations personnel also investigate accidents and incidents.</p>
	Links	<p><a href="http://www.boemre.gov/">http://www.boemre.gov/</a></p> <p><a href="http://www.boem.gov/">http://www.boem.gov/</a></p> <p><a href="http://www.bsee.gov/">http://www.bsee.gov/</a></p> <p><a href="http://www.boem.gov/About-BOEM/index.aspx">http://www.boem.gov/About-BOEM/index.aspx</a></p> <p><a href="http://web.ead.anl.gov/dwm/reggs/federal/mms/index.cfm">http://web.ead.anl.gov/dwm/reggs/federal/mms/index.cfm</a></p>
National Marine	Agency	<b>U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries</b>



Agency	Category	Description
Fisheries Service		<p data-bbox="607 260 711 289"><b>Service</b></p> <p data-bbox="607 380 1414 1251">The National Marine Fisheries Service within the National Oceanic and Atmospheric Administration (NOAA) is the federal agency, a division of the Department of Commerce, responsible for the stewardship of the nation's living marine resources and their habitat. NOAA's National Marine Fisheries Service is responsible for the management, conservation and protection of living marine resources within the United States' Exclusive Economic Zone (water three to 200 mile offshore). Using the tools provided by the Magnuson-Stevens Act, NOAA's National Marine Fisheries Service assesses and predicts the status of fish stocks, ensures compliance with fisheries regulations and works to reduce wasteful fishing practices. Under the Marine Mammal Protection Act and the Endangered Species Act, NOAA's National Marine Fisheries Service recovers protected marine species (i.e. whales, turtles) without unnecessarily impeding economic and recreational opportunities. With the help of the six regional offices and eight councils, NOAA's National Marine Fisheries Service is able to work with communities on fishery management issues. NOAA's National Marine Fisheries Service works to promote sustainable fisheries and to prevent lost economic potential associated with overfishing, declining species and degraded habitats. NOAA's National Marine Fisheries Service strives to balance competing public needs.</p> <p data-bbox="607 1341 1414 1839">It is also responsible for a variety of activities in marine and coastal ecosystems as mandated by several statutes and authorities. These activities include conserving threatened and endangered species, protecting marine mammals, managing commercial and recreational fisheries, and protecting marine and coastal habitats. These activities are conducted pursuant to the ESA, the Marine Mammal Protection Act (MMPA), the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and the FWCA. Federal agencies involved in pipeline repairs that have potential effects on threatened and endangered species or essential fish habitat must consult with NMFS pursuant to the ESA and the MSA. For any pipeline repair that would incidentally take a marine mammal, an authorization pursuant to the MMPA must be obtained.</p>

Agency	Category	Description
	Links	<a href="http://oceanservice.noaa.gov/">http://oceanservice.noaa.gov/</a> <a href="http://www.nmfs.noaa.gov/aboutus/aboutus.html">http://www.nmfs.noaa.gov/aboutus/aboutus.html</a>
National Ocean Service	Agency	<p><b>U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service</b></p> <p>The National Ocean Service (NOS), an office of the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce, administers the Coastal Zone Management Act (CZMA) and approves and works with states to implement comprehensive Coastal Management Programs and National Estuarine Research Reserves and mediates disputes regarding CZMA issues. Under CZMA section 307(c)(3)(A), applicable states must concur with consistency certifications submitted with permit applications for activities affecting any land or water use or natural resource of the coastal zone before Federal agencies can issue their approvals. NOS also manages designated National Marine Sanctuaries (NMS) and coastal protection and restoration activities. Pipeline repairs within a designated NMS will likely require a permit (pursuant to NMS regulations at 15 CFR Part 922), and pursuant to Section 304(d) of the National Marine Sanctuaries Act, Federal actions near NMS may require consultation with the Secretary of Commerce.</p>
	Links	<a href="http://oceanservice.noaa.gov/">http://oceanservice.noaa.gov/</a> <a href="http://oceanservice.noaa.gov/about/">http://oceanservice.noaa.gov/about/</a>
Federal Energy Regulatory Commission	Agency	<p><b>Federal Energy Regulatory Commission</b></p> <p>The Federal Energy Regulatory Commission (FERC) is responsible for authorizing the construction and operation of interstate natural gas pipelines. It issues certificates of public convenience and necessity for such pipelines under section 7 of the Natural Gas Act of 1938, as amended (NGA), and authorizes the construction and siting of facilities for the import or export of natural gas under section 3 of the NGA. It also authorizes the construction and operation of natural gas pipelines pursuant to the Natural Gas Policy Act. It also conducts environmental review of major pipeline projects and includes requirements with any certificate issued to reduce environmental impacts. The</p>

Agency	Category	Description
		FERC's authorization requires that interstate pipelines maintain service at certificated levels. Pipeline repair projects can often be accomplished within existing authorizations and exemptions.
	Links	<a href="http://www.ferc.gov/">http://www.ferc.gov/</a> <a href="http://www.ferc.gov/about/overview.asp">http://www.ferc.gov/about/overview.asp</a> <a href="http://www.ferc.gov/industries/gas/indus-act/pipelines.asp">http://www.ferc.gov/industries/gas/indus-act/pipelines.asp</a>
Forest Service	Agency	<p><b>U.S. Department of Agriculture, Forest Service</b></p> <p>The Forest Service (FS), within the Department of Agriculture, is responsible for the management of 192 million acres of National Forest System (NFS) lands. Many hundreds of miles of natural gas and hazardous liquid pipelines cross NFS lands. Most of these pipelines are permitted by BLM-issued rights-of-way grants, pursuant the authority granted to the Secretary of the Interior in section 28 of the Mineral Leasing Act of 1920, as amended. Those that are not are instead permitted by FS-issued special use authorizations.</p>
	Links	<a href="http://www.fs.fed.us/">http://www.fs.fed.us/</a>
Advisory Council on Historic Preservation	Agency	<p><b>Advisory Council on Historic Preservation</b></p> <p>The Advisory Council on Historic Preservation promotes the preservation, enhancement, and sustainable use of our nation's historic resources, and advises the President and the Congress on national historic preservation policy. It also reviews and provides comments with regard to actions by Federal agencies that may affect properties listed or eligible to be listed on the National Register of Historic Places pursuant to the National Historic Preservation Act.</p>
	Links	<a href="http://www.achp.gov/">http://www.achp.gov/</a>