BEFORE THE ARKANSAS PUBLIC SERVICE COMMISSION

IN THE MATTER OF PROPOSED)	
REVISIONS TO THE ARKANSAS)	DOCKET NO. 25-025-R
GAS PIPELINE CODE)	

EXHIBIT A TO PETITION TO INITIATE RULEMAKING DOCKET: SUMMARY AND DESCRIPTION OF STAFF'S PROPOSED CHANGES TO THE ARKANSAS PIPELINE CODE

As the result of the need to adopt U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration's changed to the Pipeline Safety Regulations, 49 C.F.R. Parts 191, 192, and 199, and the need to conform Arkansas regulations to federal and state law, the Pipeline Safety Office ("PSO") offers this summary of its proposed changes to the Arkansas Gas Pipeline Code ("Code"):

Summary of Changes

I. Administrative History of the Code

The description of the proposed changes to the Code have been added.

II. Definitions

Definitions of "emergency order" and "imminent hazard" were added per FR Vol. 84, No. 190, October 1, 2019. The FR also added a definition for formal hearing, which was not included in the Arkansas revisions because "formal hearing" does not otherwise appear in the Arkansas Pipeline Safety Code.

III. Part 191 – Transportation of Natural and other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports

- 1. § 191.1 Scope. FR Vol. 86, No. 217, November 15, 2021, changed subsection (a) the applicability of the reporting requirements by removing the applicability of §§ 191.22(b) and (c) and 191.23 if the pipeline operates at less than 0 psig or through a pipeline that is not a regulated onshore gathering pipeline. The federal changes also contained a section related to the Outer Continental Shelf and the inlets of the Gulf of Mexico which are inapplicable to Arkansas and as such, were excluded.
- 2. § 191.5(b) and (d) contact information was updated.

- 3. § 191.5(e) was removed because the reporting threshold was too low which resulted in a waste of state assets. Subsection (d) was added to subsection (a) which requires the reporting of an Incident as defined. The definition of Incident includes a death, or personal injury necessitating in-patient hospitalization; estimated property damage of \$122,000 or more, excluding cost of gas lost (this reporting threshold is adjusted for inflation and reported on the PHMSA website as of July 1, 2024, the revised reporting threshold was \$145,400); or unintentional estimated gas loss of three million cubic feet or more.
- 4. § 191.7 and § 191.11 The contact information was updated.
- 5. **§ 191.15** regarding incident reporting was amended pursuant to FR Vol. 87, No. 113, June 13, 2022 (87 FR 35677); FR Vol. 86, No. 217, November 15, 2021; and FR Vol. 85, No. 29, February 12, 2020.
- 6. **§ 191.17** Annual Report was amended pursuant to FR Vol. 87, No. 113, June 13, 2022 (87 FR 35677) and FR Vol. 86, Nol. 217, November 15, 2021.
- 7. § 191.23(a)(2) was added per FR Vol. 85, No. 29, February 12, 2020, amending the reporting requirements for underground storage facilities which have general corrosion which has reduce the wall thickness of any metal component.
- 8. § 191.23 was altered to add underground storage facilities per FR Vol. 85, No. 29, February 12, 2020, and to exempt master meter system safety-related condition reporting pursuant to FR Vol. 86, No. 217, November 15, 2021, and FR Vol. 87, No. 86, May 4, 2022 (87 FR 26299).
- 9. § 191.25 was updated with current contact information.
- 10. § 191.29 Subsection (c) was added to exclude gathering pipelines from the National Pipeline Mapping System pursuant to FR Vol. 86, No. 217, November 15, 2021.

IV. <u>Part 192 – Transportation of Natural and other Gas by Pipeline: Minimum Safety Standards:</u>

- 1. § 192.3 Definitions of "Close Interval Survey," "Composite Materials," "Distribution Center," "Dry gas," "Entirely replaced onshore transmission pipeline segments," "Hard Spot," "In-line inspection," "In-line inspection tool or instrumented internal inspection," "Notification of potential rupture," "Rupture-mitigation valve," and "wrinkle bend" were added to pursuant to: FR Vol. 87, No. 163, August 24, 2022; FR Vol. 86, No. 217, November 15, 2021; FR Vol. 88, No. 146, August 1, 2023; FR Vol. 89, No. 83, April 29, 2024; FR Vol. 85, No. 29, February 12, 2020; and FR Vol. 87, No. 205, October 25, 2022.
- 2. § 192.3 -Definitions. A definition for underground natural gas storage facility (UNGSF) was added pursuant to FR Vol. 85, No. 29, February 12, 2020.

- 3. § 192.7 Contacts and references were updated in pursuant to: FR Vol. 86, No. 6, Jan. 11, 2021 (subsequently deleted per FR Vol. 87, No. 163, August 24, 2022); FR Vol. 89, No. 83, April 29, 2024; FR Vol. 87, No. 163, August 24, 2022; FR Vol. 84, No. 190, October 1, 2019.
- 4. § 192.7(a)(i) –(iii) duplicated information already contained in the section and were deleted.
- 5. § 192.8 Subsection (a)(5) regarding gathering lines was added; subsection (b) was replaced; and (c) related to safety buffers was added pursuant to FR Vol. 86, No. 217, November 15, 2021.
- 6. § 192.9 References in were updated, clarification as to the exemptions for Type A lines, the requirements for Type C gathering lines were added pursuant to FR Vol. 87, No. 163, August 24, 2022; FR Vol. 88, No. 146 (88 FR 50060), August 1, 2023 (which also added provisions to the end of (b), but the added language was related to offshore gathering lines which are in applicable in AR, so were not included); FR Vol. 87, No. 163, August 24, 2022;
- 7. § 192.11 was struck in its entirety as there are no petroleum gas systems in the state of Arkansas.
- 8. § 192.12 regarding underground natural gas storage facilities was added pursuant to FR Vol. 85, No. 29, February 12, 2020 (85 FR 8126).
- 9. § 192.13 compliance deadlines and a requirement for a management of change process were added pursuant to FR Vol. 86, No. 217, November 15, 2021, and FR Vol. 87, No. 163, August 24, 2022.
- 10. §192.18 contact information was updated pursuant to FR Vol. 86, No. 217, November 15, 2021; FR Vol. 87, No. 163, August 24, 2022; and FR Vol. 87, No. 68, April 8, 2022.
- 11.**§ 192.112** references were changed pursuant to FR Vol. 89, No. 83, (89 FR 33280), April 29, 2024.
- 12.**§ 192.113** references were changed pursuant to FR Vo. 89, No. 83, (89 FR 33280), April 29, 2024.
- 13. § 192.121 changes were made to Table 1 to paragraph (c)(2)(iv)(PE Pipe Minimum Wall Thickness and SDR values); Table 2 to paragraph (d)(2)(iv)(PA-11 Pipe: Minimum Wall Thickness and SDR Values); and Table 3 to Paragraph (e)(4)(PA-12 Pipe: minimum wall thickness and SDR values) pursuant to FR Vol. 89, No. 83, (89 FR 33280), April 29, 2024.
- 14. §§ 192.145 and 192.147 references were updated pursuant to FR Vol. 89, No. 83, (89 FR 33280), April 29, 2024.
- 15. § 192.150 added gathering lines to the list of exemptions pursuant to FR Vol. 86, No. 217, November 15, 2021.
- 16. § 192.153(d) and § 192.163(e) updates were made pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.

- 17. § 192.179 subsections (e), (f), (g), and (h) were added to Transmission Line Valve regarding rupture-mitigation valves pursuant to FR Vol. 88, No. 146, (88 FR 50060), August 1, 2023, and FR Vol. 87, No. 68, April 8, 2022.
- 18. § 192.25(a) an exception was added to pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.
- 19. § 192.279 references were changed pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.
- 20.§ 192.281(c) & (e) changes were made to pursuant to Docket No. er Docket No. PHMSA-2014-0098; Amdt. No. 192-194 and FR Vol. 83, No. 224, Nov. 20, 2018.
- 21.§ 192.319(c), (d), and (e) were added pursuant to FR Vol. 87, No. 163, August 24, 2022, to require the operator to perform an inspection 6 months after installing an onshore steel transmission line in a backfilled ditch for any coating damage and to ensure integrity of the coating and to develop a remedial action plan, among other things.
- 22.§ 192.321 Docket No. PHMSA-2014-0098, Amdt. No. 192-194, FR Vol. 83, No. 224, November 20, 2018, changed the requirements for the installation of plastic pipe; Subsection (j) was moved to (g) to make section consistent with the federal numbering. The requirement for written permission was added by PSO and is more stringent than the federal requirements.
- 23. § 192.328 added the Table from the federal version which was inadvertently excluded from prior revisions.
- 24. § 192.452 added subsections (c) and (d) which clarify the applicability of Type A, B, and C onshore gathering lines pursuant to FR Vol. 86, No. 217, November 15, 2021.
- 25. § 192.461 added pursuant to Vol. 87, No. 163, August 24, 2022, adds the requirement for an operator backfilling following repair or replacement to perform an assessment to assess any coating damage and ensure integrity within 6 months of the repair or replacement and prepare a remedial action plan.
- 26.§ 192.473(c) was added per FR Vol. 87, No. 163, August 24, 2022, to require interference surveys for pipeline systems.
- 27. § 192.473(c) subsection 192.473(c)(3) was added pursuant to FR Vol. 88, No. 78, (88 FR 24711), April 24, 2023, to require remedial action plans.
- 28.§ 192.478 was added to include monitoring requirements for onshore gas transmission pipeline with corrosive constituents pursuant to FR Vol. 87, No. 163, August 24, 2022, 87 FR 52270.
- 29.§ 192.485(c) regarding calculating remaining strength was revised pursuant to FR Vol. 7, No. 163, August 24, 2022 (87 FR 52270).

- 30.§ 192.610 Change in class location: Change in valve spacing was added pursuant to FR Vol. 87, No. 68, April 8, 2022, and FR Vol. 88, No. 146, (88 FR 50061), August 1, 2023.
- 31.§ 192.613(c) regarding assessment requirements and remedial requirements following an extreme whether event or natural disaster that has the likelihood of damage to pipeline facilities was added pursuant to FR Vol. 87, No. 163, (87 FR 522270), August 24, 2022, added.
- 32. § 192.615(a)(2), (6), (7), (8), (11), and (12) and (c) expanded the requirements for establishing and maintaining adequate means of communication with the appropriate public safety answering point along with other emergency response requirements pursuant to FR Vol. 87, No. 68, April 8, 2022.
- 33. § 192.617 regarding Investigation of Failures was completely and extensively revised pursuant to FR Vo. 87, No. 687, April 8, 2022.
- 34.§ 192.619(c)(2) was added pursuant to FR Vol. 86, No. 217, November 15, 2021, to establish MAOP for Type C gas gathering pipeline by other mean if actual operating pressure cannot be determined.
- 35.§ 192.625(f) Additions were added to make consistent with the federal regulations which were implemented pursuant to 35 FR 12257, August 19, 1970.
- 36.§ 192.625(g) and (h) were changed to make the requirement more stringent that the federal regulations by requiring 3 years' worth of odorant concentration tests be maintained and submitted to PSO upon request. Subsection (h) was modified to clarify that odorant concentration tests were to be conducted every six months but not to exceed 7 months.
- 37.§ 192.634 regarding transmission lines and onshore valve shut off for rupture mitigation was added pursuant to FR Vol. 87, No. 68, April 8, 2022, and FR Vol. 88, No. 146 (88 FR 50061).
- 38. § 192.635 notification of potential rupture was added pursuant to FR Vol. 87, No. 68, April 8, 2022. Subsection (c) exempting gathering lines from the section was added pursuant to FR Vol. 89, No. 125 (89 FR 53880), June 28, 2024.
- 39. § 192.636 Transmission lines: Response to a rupture; capabilities of rupture-mitigation valves (RMVs) or alternative equivalent technologies was added on April 8, 2022, pursuant to FR Vol. 87, No. 68 (87 FR 20985).
- 40. § 192.636(h) was corrected pursuant to FR Vol 88, No. 146 (88 FR 50062) on August 1, 2023.
- 41.**§ 192.710(f)** references were added to §§ 192.712 and 192.714 pursuant to FR Vol. 87, No. 163 (87 FR 52270), on August 24, 2022.
- 42. § 192.711 on August 24, 2022, FR Vol. 87, No. 163 (87 FR 52270) struck subsection (b) and added subsections (b)(1)(i) and (ii) regarding non-integrity management repairs for gathering lines, offshore and onshore transmission lines.

- 43. § 192.712 on August 24, 2022, FR Vol. 87, No. 163 (87 FR 52270) added additional subsections regarding analysis of predicted failure pressure including subsection (c) regarding the evaluation of dents and other mechanical damage and added subsection (h) regarding reassessments if an engineering critical assessment method is used.
- 44.§ 192.712(d)(2) was struck by PSO because it was duplicative.
- 45. § 192.714 regarding repair criteria for onshore transmission pipelines, was added and amended pursuant to FR Vol. 87, No. 163 (87 FR 52711), August 24, 2022; 88 FR 24712, April 24, 2023; and 89 FR 33281, April 29, 2024.
- 46. § 192.727(g)(1) references were changed pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.
- 47. § 192.745 FR Vol. 87, No. 68, April 8, 2022 (87 FR 20986) added subsections (c), (d), (e), and (f) to valve maintenance requirements for the safe operation of transmission lines.

V. § 192.801 et seq. - Subpart N – Qualification of Pipeline Personnel

PSO has amended this section to improve safety and prevent cross-accreditation by contractors. This section is more stringent than the federal regulations which does not have the listed requirements.

The current definition of "Qualified" in § 192.803 means "an individual has been evaluated and can: (a) perform assigned covered tasks; and (b) recognize and react to abnormal operating conditions. The extremely broad interpretation of "evaluated" has resulted in cross-accreditation by some contractors resulting in under-trained and unqualified persons working on pipeline systems which raises a public safety concern. The proposed changes are intended to tighten and close this qualification loophole.

VI. § 192.901, et seq., Subpart O – Gas Transmission Pipeline Integrity Management

- § 192.903; § 192.907(b); § 192.911(i), (k), and (m); and § 192.917(a) changed definition of "Potential impact radius" pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.
- 2. § 192.917 regarding identifying potential threats to pipeline integrity; data gathering, risk assessment; and plastic transmission pipeline were added pursuant to FR Vol. 87, No. 163 (87 FR 52273), August 24, 2022.
- 3. § 192.917(e)(5) regarding corrosion identification and remediation was added to make the PSC consistent with the federal rules.
- 4. § 192.921(a)(2), § 192.923(b)(1), and § 192.925 reference were corrected pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.
- 5. **§192.923(b)(2) and (3)** references were corrected pursuant to FR Vol. 87, No. 163 (87 FR 52274), August 24, 2022.

- 6. § 192.927 Internal Corrosion Direct Assessment (ICDA) changes were made pursuant to FR Vol. 87, No. 163 (87 FR 52275) August 24, 2022. The changes also included that Subsection (c) regarding the ICDA plan was struck and replaced.
- 7. § 192.929 Direct Assessment for Stress Corrosion Cracking (SCCDA) changes and additions were made to requirements pursuant to FR Vol. 87, No. 163 (87 FRE 52276), August 24, 2022.
- 8. **§ 192.933** Actions to Address Integrity Issues was changed pursuant to FR Vol. 87, No. 163 (88 FR 5227); FR Vol. 88, No. 78 (88 FR 24712), April 24, 2023; and FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.
- 9. § 192.935 Additional Measures Beyond Those Required to Prevent Pipeline Failure and to Mitigate the Consequences of Pipeline Failure in HCA changed pursuant to FR Vol 87, No. 163 (87 FR 52279), August 24, 2022.
- 10. § 195.933(b) reference corrections were made pursuant to FR Vol. 89, No. 83 (89 FR 33282), April 29, 2024.
- 11. § 195.933 subsection (c) regarding risk analysis for gas releases and protection against ruptures was added per FR Vol 87, No. 68 (87 FR 20986), April 8, 2022. Subsection (d)(3) [renumbered] was changed pursuant to FR Vol. 87, No. 163 (87 FR 52279), August 24, 2022. Subsection (f) regarding periodic evaluations was added pursuant to FR Vol. 87, No. 68 (87 FR 20986), April 8, 2022.
- 12. § 192.937 and § 192.939 References were corrected pursuant to FR Vol 89, No. 83 (89 FR 33280), April 29, 2024.
- 13. § 192.939(b)(1-6) regarding reassessment of pipelines operating below 30% SMYS were added per FR Vol. 84, No. 190, October 1, 2019, and were inadvertently left out of previous revisions to the Code. These sections were added in the proposed amendments.
- 14. § 192.941 Changes regarding low stress assessment were made pursuant to FR Vol. 87, No. 163 (87 FR 52279), August 24, 2022.

VII. Appendix E to Part 192, Guidance on Determining HCAs and on Carrying out Requirements in the Integrity Management Rule

Table E.II.1, Preventative and Mitigative Measures for Transmission Pipelines Operating Below 30% SMYS not in an HCA but in a Class 3 or Class 4 Location was changed pursuant to FR Vol. 81, No. 68, April 8, 2016.

VIII. Part 193 – Liquefied Natural Gas Facilities: Federal Safety Standards

Part 193 - Liquified Natural Gas ("LNG") Facilities: Federal Safety Standards was removed in its entirety as no longer necessary because there are no LNG facilities within Arkansas borders. It is unlikely that an LNG facility will be located in Arkansas in the near future. As such, the section is no longer necessary and all references to the section were removed in the remainder of the Code.