

Staff Rulemaking Workshop Whitepaper
Gas Safety Standards Proposed Rule Amendments
File No. GW-2021-0272
May 20, 2021

I. What are the affected rules (rule numbers and titles)?

Staff proposes the Commission move forward with amending the following rules to incorporate certain federal gas safety rule amendments. Other rule proposals and rule amendment proposals are still under consideration in this working case.

20 CSR 4240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements – proposing to amend sections (2), (5), (6), (10), (11), (12) and (13)

20 CSR 4240-40.030 Safety Standards – Transportation of Gas by Pipeline – proposing to amend sections (1), (2), (3), (4), (5), (6), (9), (10), (12), (13), (16) and the Purpose, Appendix E and Authority section

20 CSR 4240-40.080 Drug and Alcohol Testing – proposing to amend section (1)

II. Background:

a. Discuss and describe topic/mechanism/theory/context of current rule.

The current rules require certain safety-related reporting; contain certain safety standards for the transportation of gas by pipeline; and require certain drug and alcohol testing.

b. How does the [statute/rule] work?

The Commission’s Safety Engineering Department is granted authority to implement the state pipeline safety program by annual certification from the United States Department of Transportation (“DOT”).

c. What does the underlying statute require, if applicable?

Federal law requires that each state take measures to adopt each applicable federal pipeline safety standard within a prescribed period of time. 49 U.S. Code Section 60105 requires, among other things, that the state authority adopt each applicable federal pipeline safety standard by the date of its annual certification, or in the event a standard was established within 120 days before the date of the certification, be taking steps to adopt that standard. Goals are set for state programs by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) and enforcement of those goals is by reductions in federal grant-in-aid funding and the potential loss of federal certifications if those goals are not met.

III. What is the problem/issue the rulemaking addresses?

The proposed amendments are based on relevant federal pipeline rules that the Commission's Safety Engineering Department has identified as being newly relevant to Missouri.

IV. Summary of stakeholder comments.

Ameren Missouri and Spire Missouri filed comments on the proposed amendments. Ameren Missouri stated that it supports the amendments but noted two small errors in the draft amendments. Staff has incorporated Ameren Missouri's two error corrections in its draft amendments. Spire Missouri stated that it agrees that the Commission Rules should be amended to incorporate amendments to the federal law and further stated that it did not have any specific changes to the draft amendments.

V. Summary of proposed rule changes.

20 CSR 4240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements – proposing to amend sections (2), (5), (6), (10), (11), (12) and (13)

- The proposed amendment adopts the federal pipeline reporting requirements of 49 CFR 191 for facilities not previously included in Missouri reporting requirements of 20 CSR 4240-40.020.

20 CSR 4240-40.030 Safety Standards – Transportation of Gas by Pipeline – proposing to amend sections (1), (2), (3), (4), (5), (6), (9), (10), (12), (13), (16) and the Purpose, Appendix E and Authority section

- The proposed amendment adopts changes in the federal pipeline safety standards. Amendments to the minimum federal safety standards of 49 CFR 192 are related to verification of the maximum allowable operating pressure and integrity management of natural gas transmission pipelines.

20 CSR 4240-40.080 Drug and Alcohol Testing – proposing to amend section (1)

- The proposed amendment adopts changes in the federal drug and alcohol testing regulations for pipeline operators.

VI. Summary of rationale for proposed rule language.

The proposed amendments purport to incorporate the recent changes to Federal amendments 49 CFR parts 40, 191, 192, and 199 and to make clarifications and editorial changes.

VII. Discussion of other state actions on this issue.

a. Other states' statutes, regulations, orders

Federal law requires that each state take measures to adopt each applicable federal pipeline safety standard within a prescribed period of time. Goals are set for state programs by PHMSA.

VIII. Who will be affected by this rule?

- a. What is the fiscal impact to public entities?**
- b. What is the fiscal impact to the affected industry?**
- c. What is the fiscal impact to small businesses?**
- d. What is the fiscal impact to any other stakeholders or entities?**

Gas utilities are already required to adhere to federal amendments. The proposed amendments simply ensure the Commission's Rules match the federal requirements, and therefore, no additional fiscal impact beyond what has already been experienced by the promulgation of the Federal Rules is expected for public entities, affected industry, small businesses or any other stakeholders or entities.