Title 4–Rules of Department of Economic Development Division 240–Public Service Commission Chapter 40–Gas Utilities and Gas Safety Standards

PROPOSED AMENDMENT

4 CSR 240-40.020 Incident, Annual and Safety-Related Condition Reporting Requirements. The Commission is amending sections (1), (2), (3), (4), (5), (6), (7), (9), (10), (11), (12) and (13).

PURPOSE: This amendment proposes to amend the rule to conform to amendments of 49 CFR part 191, to revise several section titles, to incorporate by reference current versions of report forms, and to remove references to LNG facilities.

- (1) Scope. (191.1)
 - (B) This rule does not apply to gathering of gas on private property outside of—
- 1. An area within the limits of any incorporated or unincorporated city, town or village Through a pipeline that operates at less than zero (0) pound per square inch gauge (psig) (0 kPa); or
- 2. Any designated residential or commercial area such as a subdivision, business or shopping center or community development Through a pipeline that is not a regulated onshore gathering line (as determined in 4 CSR 240-40.030(1)(E) (192.8)).
- (2) Definitions. (191.3) As used in this rule and in the PHMSA Forms referenced in this rule —
- (B) Commission means the Public Service Commission. Designated commission personnel means the Pipeline Safety Program Manager at the address contained in section (5) (191.7)-subsection (5)(E) for required correspondence and means the list of staff personnel supplied to operators for required telephonic notices;
 - (C) Federal incident means any of the following events:
- 1. An event that involves a release of gas from a pipeline or of liquefied natural gas (LNG) or gas from an LNG facility and and that results in one or more of the following consequences:
 - A. A death or personal injury necessitating inpatient hospitalization; or
- B. Estimated property damage, *including cost of gas lost, of the operator or others, or both,* of fifty thousand dollars (\$50,000) or more, including loss to the operator and others, or both, but excluding the cost of gas lost;
 - C. Unintentional estimated gas loss of three million cubic feet or more;
 - 2. An event that results in an emergency shutdown of an LNG facility; or
- 3.—An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (2)(C)1. or 2.;
- (E) LNG facility means a-liquefied natural gas facility as defined in 193.2007 of 49 CFR part 193;

- (3) *Telephonie*-Immediate Notice of Federal Incidents. (191.5)
- (B) Each notice required by subsection (3)(A) <u>shall-must</u> be made <u>to the National Response</u> <u>Center either</u> by telephone to 800-424-8802 <u>or electronically at www.nrc.uscg.mil</u> and <u>shall-must</u> include the following information:
 - 1. Names of operator and person making report and their telephone numbers;
 - 2. Location of the incident;
 - 3. Time of the incident;
 - 4. Number of fatalities and personal injuries, if any; and
- 5. All other significant facts known by the operator that are relevant to the cause of the incident or extent of the damages.

(4) Missouri Reporting Requirements Immediate Notice of Missouri Incidents.

- (A) Within two (2) hours following discovery by the operator, or as soon thereafter as practicable if emergency efforts to protect life and property would be hindered, each gas operator shall-must notify designated commission personnel by telephone of the following events within areas served by the operator:
- 1. An event that involves a release of gas involving the operator's actions or *facilities* <u>pipeline</u> <u>system</u>, or where there is a suspicion by the operator that the event may involve a release of gas involving the operator's actions or *facilities* <u>pipeline</u> <u>system</u>, and <u>involves</u> <u>results</u> in <u>one</u> or <u>more</u> of the <u>following consequences</u>
 - A. A death;
- B. A personal injury involving medical care administered in an emergency room or health care facility, whether inpatient or outpatient, beyond initial treatment and prompt release after evaluation by a health care professional; or
- C. Estimated property damage <u>of ten thousand dollars (\$10,000) or more</u>, including <u>cost</u> <u>of gas lost</u>, <u>loss</u> to the gas operator or others, or both, <u>of ten thousand dollars (\$10,000) or more</u> <u>and including the cost of gas lost</u>; or
- 2. An event that is significant, in the judgement of the operator, even though it did not meet the criteria of paragraph (4)(A)1.
- (B) Exceeding the two (2)-hour notification time period in <u>subsection</u> (4)(A) requires submission of a written explanation of reasons with the operator's incident report <u>when submitting the report to designated commission personnel</u>. <u>See section (5) for report submission requirements.</u>
- (C) Within thirty (30) days of a telephone notification made under subsection (4)(A) each gas operator shall submit U.S. Department of Transportation Form PHMSA F 7100.1 or PHMSA F 7100.2, as applicable, to designated commission personnel. These two (2) incident report forms for gas distribution systems (PHMSA F 7100.1, revised March 2004) and gas transmission and gathering systems (PHMSA F 7100.2, revised January 2002) are incorporated by reference. The forms are published by the U.S. Department of Transportation Office of Pipeline Safety, Room 2103, 400 7th St. SW, Washington DC 20590. The forms are available at http://ops.dot.gov/library/forms/forms.htm or upon request from the pipeline safety program manager at the address given in section (5). The PHMSA F 7100.1 form does not include any amendments or additions to the March 2004 version. The PHMSA F 7100.2 form does not

include any amendments or additions to the January 2002 version. An incident report is required when an event causes the criteria listed in paragraphs (4)(A)I. or 2. to be met. Additional information required in subsections (6)(B) and (9)(B) (191.9[b] and 191.15[b]) shall apply.

- <u>(D) Federal incident and annual reports required by this rule shall be submitted in duplicate to designated commission personnel as follows:</u>
- 1. Federal incident reports required by section(s) (6) or (9), or both, (191.9 or 191.15, or both) shall be submitted as soon as practicable but not more than thirty (30) days after detection of the incident. Upon receipt and processing of these reports, the designated commission personnel, within ten (10) days, shall transmit one (1) copy to the information resources manager at PHMSA; and
- 2. Annual reports required by section(s) (7) or (10), or both, (191.11 or 191.17, or both) shall be submitted no later than February 28 of each year. Upon receipt and processing these reports, the designated commission personnel shall transmit one (1) copy by March 15 to the information resources manager at PHMSA.
- (E) Safety-related condition reports required by section (12) (191.23) shall be submitted concurrently to the Associate Administrator, Office of Pipeline Safety at PHMSA and to designated commission personnel. A safety related condition report can be submitted to the addresses provided in section (5) (191.7) or by telefacsimile (fax) as provided for in section (13).

(5) Addressee for Written Reports Report Submission Requirements. (191.7)

Incident, annual, and safety related condition reports shall be submitted to designated commission personnel as required by section (4). The address for the designated commission personnel is Pipeline Safety Program Manager, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. As required by subsection (4)(E), safety related condition reports must be submitted concurrently to the Associate Administrator, Office of Pipeline Safety at PHSMA by mail or by telefacsimile (fax). If submitted by mail, the address is Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Room 2103, 400 7th St. SW, Washington, DC 20590. Safety related condition reports may be submitted by fax as provided for in section (13).

(A) Reports to PHMSA.

- 1. An operator must submit each report required by sections (6) (11) electronically to the Pipeline and Hazardous Materials Safety Administration at http://opsweb.phmsa.dot.gov unless an alternative reporting method is authorized in accordance with subsection (5)(D).
- 2. A copy of each online submission to PHMSA must also be submitted concurrently to designated commission personnel. The copy submitted to designated commission personnel must be clearly marked to indicate the date of the online submission to PHMSA.

(B) Missouri Incident Reports.

1. This subsection applies to events that meet the criteria in subsection (4)(A) but are not a Federal incident reported under subsection (5)(A). Within thirty (30) days of a telephone notification made under subsection (4)(A), each gas operator must submit U.S. Department of

<u>Transportation Form PHMSA F 7100.1 or PHMSA F 7100.2, as applicable, to designated commission personnel.</u> Additional information required in subsections (6)(B) and (9)(B) for <u>Federal incidents is also required for these events.</u>

- 2. The incident report forms for gas distribution systems (PHMSA F 7100.1, revised June 2011) and gas transmission and gathering pipeline systems (PHMSA F 7100.2, revised June 2011) are incorporated by reference. The forms are published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The forms are available at www.phmsa.dot.gov/pipeline/library/forms or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The PHMSA F 7100.1 form does not include any amendments or additions to the June 2011 version. The PHMSA F 7100.2 form does not include any amendments or additions to the June 2011 version.
- (C) Safety-related Conditions. An operator must submit concurrently to PHMSA and designated commission personnel a safety-related condition report required by section (12) (191.23). A safety-related condition report can be submitted to the addresses provided in subsections (5)(D)-(E) or by telefacsimile (fax) as provided for in section (13).

(D) Alternative Reporting Method.

- (1) If electronic reporting imposes an undue burden and hardship, an operator may submit a written request for an alternative reporting method to the Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The request must describe the undue burden and hardship. PHMSA will review the request and may authorize, in writing, an alternative reporting method. An authorization will state the period for which it is valid, which may be indefinite. An operator must contact PHMSA at 202-366-8075, or electronically to informationresourcesmanager@dot.gov or make arrangements for submitting a report that is due after a request for alternative reporting is submitted, but before an authorization or denial is received.
- (2) A copy of each report using an alternate reporting method must also be submitted concurrently to designated commission personnel. The copy submitted to designated commission personnel must be clearly marked to indicate the date of submission to PHMSA.
- (E) Address for Designated Commission Personnel. The address for the designated commission personnel is Pipeline Safety Program Manager, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. The email address for designated commission personnel is PipelineSafetyProgramManager@psc.mo.gov.

(6) Distribution System – Federal Incident Report. (191.9)

(A) Except as provided in subsection (6)(C), each operator of a distribution pipeline system shall must submit U.S. Department of Transportation Form PHMSA F 7100.1 to designated commission personnel in accordance with subsection (4)(D) following each as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised March 2004 June 2011) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, Room 2103, 400 7th St. SW PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at

http://ops.dot.gov/library/forms/forms.htm www.phmsa.dot.gov/pipeline/library/forms or upon request from the Pipeline Safety Program Manager at the address given in <u>sub</u>section (5) <u>(E)</u>. The form does not include any amendments or additions to the <u>March 2004 June 2011</u> version.

- (C) The incident report required by this section need not be submitted with respect to master meter systems *or LNG facilities*.
- (7) Distribution system Annual Report and Mechanical Fitting Failure Reports. [(191.11)]
 - (A) **Annual Report.** (191.11)
- 1. Except as provided in subsection (7)(B) paragraph (7)(B)3., each operator of a distribution pipeline system shall-must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.1-1. This report must be submitted each year as required by section (4) year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A).
- 2. The annual report form (revised-December 2005 January 2011) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, Room 2103, 400 7th St. SW PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at http://ops.dot.gov/library/forms/forms.htm-www.phmsa.dot.gov/pipeline/library/forms or upon request from the Pipeline Safety Program Manager at the address given in subsection (5) (E). The form does not include any amendments or additions to the December 2005 January 2011 version.
- 3. The annual report requirement in this subsection does not apply to a master meter system or to a petroleum gas system which serves fewer than one hundred (100) customers from a single source.
 - (B) The annual report required by this section need not be submitted with respect to—
- 1. Petroleum gas systems which serve fewer than one hundred (100) customers from a single source;
 - 2. Master meter systems; or
 - 3. LNG facilities.
 - (B) Mechanical Fitting Failure Reports. (191.12)
- 1. Each mechanical fitting failure, as required by 4 CSR 240-40.030(17)(E) (192.1009), must be submitted on a Mechanical Fitting Failure Report Form (U.S. Department of Transportation Form PHMSA F 7100.1–2). An operator must submit a mechanical fitting failure report for each mechanical fitting failure that occurs within a calendar year not later than March 15 of the following year (for example, all mechanical failure reports for calendar year 2012 must be submitted no later than March 15, 2013). Alternatively, an operator may elect to submit its reports throughout the year. In addition, an operator must also report this information to designated commission personnel.
- 2. The Mechanical Fitting Failure Report Form (January 2011) is incorporated by reference and is published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at www.phmsa.dot.gov/pipeline/library/forms or upon request from the Pipeline Safety Program

Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the January 2011 version.

- (9) Transmission and Gathering Systems Federal Incident Report. (191.15)
- (A) Except as provided in subsection (9)(C), each Transmission and gathering. Each operator of a transmission or a gathering pipeline system—shall must submit U.S. Department of Transportation Form PHMSA F 7100.2 to designated commission personnel in accordance with subsection (4)(D) following each—as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised January 2002 June 2011) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety,—Room 2103, 400 7th St. SW PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at http://ops.dot.gov/library/forms/forms.htm www.phmsa.dot.gov/pipeline/library/forms or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the January 2002-June 2011 version.
- (B) <u>Supplemental report.</u> When additional related information is obtained after a report is submitted under subsection (9)(A), the operator—<u>shall</u> <u>must</u> make a supplemental report, as soon as practicable, with a clear reference by date <u>and subject</u> to the original report.
- (C) The incident report required by subsection (9)(A) need not be submitted with respect to LNG facilities.
- (10) Transmission and Gathering Systems Annual Report. (191.17)
- (A) Except as provided in subsection (10)(B), each Transmission and gathering. Each operator of a transmission or a gathering pipeline system shall-must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F7100.2-1. As required by section (4), this This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A). The annual report form (revised December 2005 June 2011) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, Room 2103, 400 7th St. SW PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590**-0001**. The form available http://ops.dot.gov/library/forms/forms.htm—www.phmsa.dot.gov/pipeline/library/forms_or_upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the December 2005 June 2011 version.
- (B) The annual report required by subsection (10)(A) need not be submitted with respect to LNG facilities. (Reserved)
- (11) Report Forms. (191.19) National Registry of Pipeline and LNG Operators (191.22)

 _Copies of the prescribed report forms are available without charge upon request from the pipeline safety program manager at the address given in section (5). Additional copies in this prescribed format may be reproduced and used if in the same size and kind of paper. In

addition, the information required by these forms may be submitted by any other means that is acceptable to the administrator or pipeline safety program manager.

(A) OPID Request.

- (1) Effective January 1, 2012, each operator of a gas pipeline or gas pipeline facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must complete an OPID Assignment Request (U.S. Department of Transportation Form PHMSA F 1000.1) through the National Registry of Pipeline and LNG Operators at http://opsweb.phmsa.dot.gov unless an alternative reporting method is authorized in accordance with subsection (5)(D). A copy of each submission to PHMSA must also be submitted concurrently to designated commission personnel see addresses in subsection (5)(E).
- (2) The OPID Assignment Request form (December 2011) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at www.phmsa.dot.gov/pipeline/library/forms or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the December 2011 version.
- (B) OPID Validation. An operator who has already been assigned one or more OPID by January 1, 2011, must validate the information associated with each OPID through the National Registry of Pipeline and LNG Operators at http://opsweb.phmsa.dot.gov, and correct that information as necessary, no later than September 30, 2012 (PHMSA Advisory Bulletin ADB-2012-04 extended the deadline from June 30, 2012 to September 30, 2012).
- (C) Changes. Each operator of a gas pipeline or gas pipeline facility must notify PHMSA electronically through the National Registry of Pipeline and LNG Operators at http://opsweb.phmsa.dot.gov of certain events. A copy of each online notification must also be submitted concurrently to designated commission personnel see addresses in subsection (5)(E).
- 1. An operator must notify PHMSA of any of the following events not later than sixty (60) days before the event occurs:
- A. Construction or any planned rehabilitation, replacement, modification, upgrade, uprate, or update of a facility, other than a section of line pipe, that costs \$10 million or more. If sixty (60) day notice is not feasible because of an emergency, an operator must notify PHMSA as soon as practicable; or
 - B. Construction of ten (10) or more miles of a new pipeline.
- 2. An operator must notify PHMSA of any of the following events not later than sixty (60) days after the event occurs:
- A. A change in the primary entity responsible (i.e., with an assigned OPID) for managing or administering a safety program required by this rule covering pipeline facilities operated under multiple OPIDs;
 - B. A change in the name of the operator;
- C. A change in the entity (e.g., company, municipality) responsible for an existing pipeline, pipeline segment, or pipeline facility; or
- D. The acquisition or divestiture of fifty (50) or more miles of a pipeline or pipeline system subject to 4 CSR 240-40.030.

- (D) Reporting. An operator must use the OPID issued by PHMSA for all reporting requirements covered under 4 CSR 240-40.020 and 40.030, and for submissions to the National Pipeline Mapping System.
- (12) Reporting Safety-Related Conditions. (191.23)
- (A) Except as provided in subsection (12)(B), each operator *shall*-must report in accordance with section (13) (191.25) the existence of any of the following safety-related conditions involving facilities in service:
- 1. In the case of the pipeline (other than an LNG facility) that operates at a hoop stress of twenty percent (20%) or more of its specified minimum yield strength, general corrosion that has reduced the wall thickness to less than that required for the maximum allowable operating pressure and localized corrosion pitting to a degree where leakage might result;
- 2. Unintended movement or abnormal loading by environmental causes, for instance, an earthquake, landslide or flood, that impairs the serviceability of a pipeline *or the structural integrity or reliability of an LNG facility that contains, controls or processes gas or LNG*;
- 3. Any crack or other material defect that impairs the structural integrity or reliability of an LNG facility that contains, controls or processes gas or LNG(Reserved);
- 4. Any material defect or physical damage that impairs the serviceability of a pipeline that operates at a hoop stress of twenty percent (20%) or more of its specified minimum yield strength;
- 5. Any malfunction or operating error that causes the pressure of a pipeline or LNG facility that contains or processes gas or LNG to rise above its maximum allowable operating pressure (or working pressure for LNG facilities) plus the buildup allowed for operation of pressure limiting or control devices;
- 6. A leak in a pipeline or LNG facility that contains or processes gas or LNG that constitutes an emergency;
- 7. Inner tank leakage, ineffective insulation or frost heave that impairs the structural integrity of an LNG storage tank (Reserved); and
- 8. Any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a twenty percent (20%) or more reduction in operating pressure or shutdown of operation of a pipeline or an LNG facility that contains or processes gas or LNG.
 - (B) A report is not required for any safety-related condition that
 - 1. Exists on a master meter system or a customer-owned service line;
- 2. Is an incident or results in an incident before the deadline for filing the safety-related condition report;
- 3. Exists on a pipeline (other than an LNG facility) that is more than two hundred twenty (220) yards (200 meters) from any building intended for human occupancy or outdoor place of assembly, except that reports are required for conditions within the right-of-way of an active railroad, paved road, street or highway; or
- 4. Is corrected by repair or replacement in accordance with applicable safety standards before the deadline for filing the safety-related condition report, except that reports are required for conditions under

paragraph (12)(A)1. other than localized corrosion pitting on an effectively coated and cathodically protected pipeline.

(13) Filing Safety-Related Condition Reports. (191.25)

- (A) Each report of a safety-related condition under subsection (12)(A) must be filed (received by the Associate Administrator, Office of Pipeline Safety at PHMSA and designated commission-personnel as required by subsection (4)(E)) personnel in writing within five (5) working days (not including Saturday, Sunday, or federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than ten (10) working days after the day a representative of the operator discovers the possibility of a condition. Separate conditions may be described in a single report if they are closely related. See the report submission requirements in subsection (5)(C). To file a report by telefacsimile (fax), dial (202) 366-7128 for the Associate Administrator, Office of Pipeline Safety and (573) 522-1946 for designated commission personnel.
- (B) The report must be titled Safety-Related Condition Report and provide the following information:
 - 1. Name and principal address of the operator;
 - 2. Date of report;
 - 3. Name, job title and business telephone number of the person submitting the report;
- 4. Name, job title and business telephone number of the person who determined that the condition exists;
 - 5. Date the condition was discovered and date the condition was first determined to exist;
- 6. Location of the condition, with reference to the state (and town, city, or county), and as appropriate, nearest street address, survey station number, milepost, landmark or name of pipeline;
- 7. Description of the condition, including circumstances leading to its discovery, any significant effects of the condition on safety, and the name of the commodity transported or stored; and
- 8. The corrective action taken (including reduction of pressure or shutdown) before the report is submitted and the planned follow-up or future corrective action, including the anticipated schedule for starting and concluding such action.

AUTHORITY: sections 386.250 and 386.310 and 393.140, RSMo 2000. Original rule filed Feb. 5, 1970, effective Feb. 26, 1970. Amended: Filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Feb. 8, 1985, effective Aug. 11, 1985. Rescinded and readopted: Filed May 17, 1989, effective Dec. 15, 1989. Amended: Filed Oct. 7, 1994, effective May 28, 1995. Amended: Filed April 9, 1998, effective Nov. 30, 1998. Amended: Filed December 14, 2000, effective May 30, 2001. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed Date.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this Proposed Amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary/General Counsel, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. ? and be filed with an original and eight (8) copies. No public hearing is scheduled.