BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Proposed Amendment of the Commission's Rules Relating to Natural Gas Safety	)))	**File No. GX-2023-0422**

STAFF COMMENTS

COMES NOW the Staff of the Missouri Public Service Commission and states as follows:

1. Staff supports the proposed amendments to 20 CSR 4240-40.030, published in the Missouri Register dated September 1, 2023, with some revisions as detailed in the attached Staff Comment. The proposed amendments include adoption of amendments to the corresponding federal pipeline safety standards, and make clarifications and editorial/technical changes to the Missouri gas safety rules.

2. Federal law requires that the state take measures to adopt each applicable federal pipeline safety standard within a prescribed period of time.[1] 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 certification[2] if those goals are not met.

WHEREFORE, Staff respectfully submits these comments for the Commission's consideration and supports the proposed amendments to 20 CSR 4240-40.030.

[1] 49 U.S. Code § 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.
[2] The Commission's Safety Engineering Department Staff is granted authority to implement the state pipeline safety program by annual certification from the United States Department of Transportation (DOT).

Respectfully submitted,

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ATTORNEY FOR STAFF OF THE PUBLIC SERVICE COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted by electronic mail to counsel of record this 29th day of September, 2023.

File No. GX-2023-0422

Comments of the Staff of the Missouri Public Service Commission

Staff supports the proposed amendments to 20 CSR 4240-40.030 published in the Missouri Register dated September 1, 2023. The proposed amendments to the Chapter 40 rules include the following:

- 20 CSR 4240-40.030 Safety Standards – Transportation of Gas by Pipeline – proposing to amend sections (1), (4), (7), (9), (12), (13), (16), and Appendix E.

Staff is additionally proposing revisions to certain specific proposed amendments discussed below to incorporate technical corrections published by PHMSA to the federal amendments that are being adopted in this rulemaking.

On May 16, 2023, the U.S. Court of Appeals for the District of Columbia Circuit vacated the final rule "Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards" [1] as it applies to gathering lines. On August 1, 2023,[2] PHMSA published technical corrections to remove the gathering line-specific amendments introduced in the final rule, clarify that the final rule amendments do not apply to gathering lines, and make additional editorial changes and clarifications.

Staff notes that the revisions do not change Staff's stated public and private costs as published in the September 1, 2022 Missouri Register:

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

1. Revisions to Definitions in 20 CSR 4240-40.030(1)(B)

PHMSA's August 1, 2023 publication made corrections to the definitions of "entirely replaced onshore transmission pipeline segments"[3], "notification of a potential rupture", and "rupture-mitigation valve (RMV)". PHMSA clarified that these definitions to not apply to gathering lines.

[1] United States, Department of Transportation, Pipeline and Hazardous Materials Safety Administration. "Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards." [Docket No. PHMSA-2013-0255; Amdt. Nos. 192-130; 195-105]. 87 FR 20940 (April 8, 2022).

[2] United States, Department of Transportation, Pipeline and Hazardous Materials Safety Administration. "Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards: Technical Corrections." [Docket No. PHMSA-2013-0255; Amdt. Nos. 192-134; 195-106]. 88 FR 50056 (August 1, 2023).

[3] The term "transmission pipeline" is used in the Commission's rules in the place of "onshore transmission pipeline" because all pipelines in Missouri are onshore – there are no offshore transmission pipelines in Missouri.

The revisions to the proposed amendments to 20 CSR 4240-40.030(1)(B)18., 20 CSR 4240-40.030(1)(B)36., and 20 CSR 4240-40.030(1)(B)46. as published in the *Missouri Register* on September 1, 2023 are as follows:

(1) General.

(B) Definitions. (192.3) As used in this rule—

18. Entirely replaced transmission pipeline segments means, for the purposes of subsections (4)(U) and (12)(X), where two (2) or more miles, in the aggregate, of transmission pipeline have been replaced within any five (5) contiguous miles of pipeline within any twenty-four- (24-) month period. This definition does not apply to any gathering line;

36. Notification of potential rupture means the notification to, or observation by, an operator of indicia identified in subsection (12)(Y) of a potential unintentional or uncontrolled release of a large volume of gas from a pipeline. This definition does not apply to any gathering line;

46. Rupture-mitigation valve (RMV) means an automatic shut-off valve (ASV) or a remote-control valve (RCV) that a pipeline operator uses to minimize the volume of gas released from the pipeline and to mitigate the consequences of a rupture. This definition does not apply to any gathering line;

2. Revisions to Requirements that Apply to Gathering Lines in 20 CSR 4240-40.030(1)(E)2.

PHMSA's August 1, 2023 publication made corrections to the code requirements that apply to gathering lines. PHMSA 1) excluded Type A gathering lines from the requirements of 49 CFR 192.179(e)–(g), 192.610, 192.615 (to the extent modified by the final rule), 192.617(b)–(d), 192.634, 192.635, 192.636, and 192.745(c)–(f), and 2) excluded Type C gathering lines from the requirements of 192.615 (to the extent modified by the final rule).

The revisions to the proposed amendments to 20 CSR 4240-40.030(1)(E)2.B. and 20 CSR 4240.40.030(1)(E)2.D.(I)(d) as published in the *Missouri Register* on September 1, 2023 are as follows:

(1) General.

(E) Gathering Lines. (192.8 and 192.9)

2. [*The Code of Federal Regulations is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, 2020, version of 49 CFR part 192 is available at https://www.govinfo.gov/#citation. The Federal Register publication on page 86 FR 63266 is available at https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24240.pdf.*]**What Requirements Apply to Gathering Pipelines? (192.9)**

B. Type A lines. An operator of a Type A regulated gathering line must comply with the requirements of this rule applicable to transmission lines, except the requirements in (1)(G)4., (4)(HH), (6)(H)5., (7)(J)3.–6., (9)(G)6.–9., (9)(I)4. and 6., (9)(M)3., (9)(S)3., (9)(X), (9)(Y), (10)(K),

(12)(E), (12)(H)3., (12)(M)5., (12)(U), (13)(DD), (13)(EE), (13)(GG), and section (16)—Pipeline Integrity Management for Transmission Lines (Subpart O). However, an operator of a Type A regulated gathering line in a Class 2 location may demonstrate compliance with subsection (12)(D) by describing the processes it uses to determine the qualification of persons performing operations and maintenance tasks. Further, operators of Type A regulated gathering lines are exempt from the requirements of (4)(U)4.–6., (12)(W), (12)(L)2.–4., (12)(X), (12)(Y), (12)(Z), and (13)(U)3. Lastly, operators of Type A regulated gathering lines are exempt from the requirements of subsection (12)(J) (but an operator of a Type A regulated gathering line must comply with the requirements of subsection (12)(J), effective February 28, 2023).

D. Type C lines. The requirements for Type C gathering lines are as follows.

(I) An operator of a Type C gathering line with an outside diameter greater than or equal to eight and five-eighths inches (8.625") must comply with the following requirements:

(d) Develop and implement procedures for emergency plans in accordance with the requirements of subsection (12)(J), effective February 28, 2023;

3. Revisions to Wording in Transmission Line Valve Requirements in 20 CSR 4240-40.030(4)(U)

PHMSA's August 1, 2023 publication made corrections to the wording used in 49 CFR 192.179(e) and (f). PHMSA revised the wording for clarification that exemption to the requirements in those paragraphs applied to pipelines with a potential impact radius (PIR) of 150 feet or less in either a Class 1 or Class 2 location. PHMSA also removed a cross-reference to 49 CFR 192.634 which it found to be potentially confusing.

The revisions to the proposed amendments to 20 CSR 4240-40.030(4)(U)4. and 20 CSR 4240-40.030(4)(U)5. as published in the *Missouri Register* on September 1, 2023 are as follows:

(4) Design of Pipeline Components.

(U) Transmission Line Valves. (192.179)

4. For transmission pipeline segments with diameters greater than or equal to six inches (6") that are constructed after April 10, 2023, the operator must install rupture-mitigation valves (RMV) or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this subsection. An operator seeking to use alternative equivalent technology must notify PHMSA in accordance with the procedures set forth in paragraph (4)(U)6. All RMVs and alternative equivalent technologies installed pursuant to this paragraph (4)(U)4. must meet the requirements of subsections ~~(12)(X) and~~ (12)(Z). ~~Exempted from this paragraph's installation requirements are pipeline segments in Class 1, or Class 2 locations that have~~The installation requirements in this paragraph (4)(U)4. do not apply to pipe segments with a potential impact radius (PIR), as defined in 49 CFR 192.903 (incorporated by reference in section (16)), ~~of~~ that is less than or equal to one hundred fifty feet (150') ~~or less~~in either Class 1 or Class 2 locations. An operator may

request an extension of the installation compliance deadline requirements of this paragraph if it can demonstrate to PHMSA, in accordance with the notification procedures in subsection (1)(M), that those installation compliance deadlines would be economically, technically, or operationally infeasible for a particular new pipeline.

5. For entirely replaced transmission pipeline segments, as defined in subsection (1)(B), with diameters greater than or equal to six inches (6") and that are installed after April 10, 2023, the operator must install RMVs or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this subsection. An operator seeking to use alternative equivalent technology must notify PHMSA in accordance with the procedures set forth in paragraph (4)(U)6. All RMVs and alternative equivalent technologies installed pursuant to this paragraph (4)(U)5. must meet the requirements of subsections ~~(12)(X) and~~ (12)(Z). The requirements of this paragraph (4)(U)5. apply when the applicable pipeline replacement project involves a valve, either through addition, replacement, or removal. ~~This paragraph's~~The installation requirements in this paragraph (4)(U)5. do not apply to pipe segments ~~in Class 1 or Class 2 locations that have~~ with a PIR, as defined in 49 CFR 192.903 (incorporated by reference in section (16)), that is less than or equal to one hundred fifty feet (150') in either Class 1 or Class 2 locations. An operator may request an extension of the installation compliance deadline requirements of this paragraph (4)(U)5. if it can demonstrate to PHMSA, in accordance with the notification procedures in subsection (1)(M), that those installation compliance deadlines would be economically, technically, or operationally infeasible for a particular pipeline replacement project.

4. Revisions to Wording in Change in Class Location: Change in Valve Spacing Requirements in 20 CSR 4240-40.030(12)(W)

PHMSA's August 1, 2023 publication made corrections to the wording used in 49 CFR 192.610(b). PHMSA revised the wording for clarification that 49 CFR 192.610(b) only applies to transmission lines, in the same manner that 49 CFR 192.610(a) only applies to transmission lines.

The revisions to the proposed amendments to 20 CSR 4240-40.030(12)(W)2. as published in the *Missouri Register* on September 1, 2023 are as follows:

(12) Operations.

(W) Change in Class Location—Change in Valve Spacing. (192.610)

2. If a class location change on a gas transmission pipeline occurs after October 5, 2022, and results in pipe replacement of less than two (2) miles within five (5) contiguous miles during a twenty-four- (24-) month period, to meet the MAOP requirements in subsections (12)(G) or (12)(M), then within twenty-four (24) months of the class location change, in accordance with paragraph (12)(G)6., the operator must either—

A. Comply with the valve spacing requirements of paragraph (4)(U)1. for the replaced pipeline segment; or

B. Install or use existing RMVs or alternative equivalent technologies so that the entirety of the replaced pipeline segments are between at least two (2) RMVs or alternative equivalent technologies. The distance between RMVs and alternative equivalent technologies for the replaced segment must not exceed twenty (20) miles. The RMVs and alternative equivalent technologies must comply with the applicable requirements of subsection (12)(Z).

5. Revisions to Transmission Line Valve Shut-Off for Rupture Mitigation Requirements in 20 CSR 4240-40.030(12)(X)

PHMSA's August 1, 2023 publication made corrections to 49 CFR 192.634 to correct an oversight in the revision process from a Notice of Proposed Rulemaking (NPRM) to the Final Rule, and added wording for clarification. In the Final Rule, PHMSA included the operational requirements for rupture-mitigation valves (RMVs) in 49 CFR 192.636. However, PHMSA inadvertently left 49 CFR 192.634(c) in the Final Rule when it had intended for the requirement to be in 49 CFR 192.636.

PHMSA removed 49 CFR 192.634(c) and moved the requirements to a new 49 CFR 192.636(h). PHMSA additionally noted that there was an omitted "and" in 49 CFR 192.634(b)(3), and added the "and" to 49 CFR 192.634(b)(3) for clarification. Staff had previously contacted PHMSA regarding the omitted "and" in 49 CFR 192.634(b)(3) and included this in the proposed amendments to 20 CSR 4240-40.030. However, Staff also added a comma before the "and", which PHMSA did not include in its technical corrections.

The revisions to the proposed amendments to 20 CSR 4240-40.030(12)(X)2.C. and 20 CSR 4240-40.030(12)(X)3. as published in the *Missouri Register* on September 1, 2023 are as follows:

(12) Operations.

(X) Transmission Lines—Valve Shut-Off for Rupture Mitigation. (192.634)

2. Maximum spacing between valves. RMVs, or alternative equivalent technology, must be installed in accordance with the following requirements:

C. Laterals. Laterals extending from shut-off segments that contribute less than five percent (5%) of the total shut-off segment volume may have RMVs or alternative equivalent technologies that meet the actuation requirements of this section at locations other than mainline receipt/delivery points, as long as all of the laterals contributing gas volumes to the shut-off segment do not contribute more than five percent (5%) of the total shut-off segment gas volume based upon maximum flow volume at the operating pressure. For laterals that are twelve inches (12") in diameter or less, a check valve that allows gas to flow freely in one direction and contains a mechanism to automatically prevent flow in the other direction may be used as an alternative equivalent technology where it is positioned to stop flow into the shut-off segment. Such check valves that are used as an alternative equivalent technology in accordance with this paragraph (12)(X)2.C. are not subject to subsection

(12)(Z), but they must be inspected, operated, and remediated in accordance with subsection (13)(U), including for closure and leakage to ensure operational reliability. An operator using such a check valve as an alternative equivalent technology must notify PHMSA in accordance with subsections (1)(M) and (4)(U)~~,~~ and develop and implement maintenance procedures for such equipment that meet subsection (13)(U); and

~~**3. Manual operation upon identification of a rupture. Operators using a manual valve as an alternative equivalent technology as authorized pursuant to subsections (1)(M) and (4)(U) must develop and implement operating procedures that appropriately designate and locate nearby personnel to ensure valve shut-off in accordance with this subsection and subsection (12)(Z). Manual operation of valves must include time for the assembly of necessary operating personnel, the acquisition of necessary tools and equipment, driving time under heavy traffic conditions and at the posted speed limit, walking time to access the valve, and time to shut off all valves manually, not to exceed the maximum response time allowed under paragraph (12)(Z)2.**~~

6. Revisions to Transmission Line Response to a Rupture Requirements in 20 CSR 4240-40.030(12)(Z)

PHMSA's August 1, 2023 publication made corrections to 49 CFR 192.636 to correct an oversight in the revision process from a Notice of Proposed Rulemaking (NPRM) to the Final Rule, and added wording for clarification. In the Final Rule, PHMSA included the operational requirements for rupture-mitigation valves (RMVs) in 49 CFR 192.636. However, PHMSA inadvertently left 49 CFR 192.634(c) in the Final Rule when it had intended for the requirement to be in 49 CFR 192.636. PHMSA removed 49 CFR 192.634(c) and moved the requirements to a new 49 CFR 192.636(h).

The revisions to add a new paragraph (12)(Z)8. to the proposed amendments to 20 CSR 4240-40.030(12)(Z) as published in the *Missouri Register* on September 1, 2023 are as follows:

(12) Operations.

(Z) Transmission Lines—Response to a Rupture; Capabilities of Rupture-Mitigation Valves (RMVs) or Alternative Equivalent Technologies. (192.636)

8. Manual operation upon identification of a rupture. Operators using a manual valve as an alternative equivalent technology as authorized pursuant to subsections (1)(M), (4)(U), and (12)(X) and this subsection must develop and implement operating procedures that appropriately designate and locate nearby personnel to ensure valve shutoff in accordance with this subsection and subsection (12)(X). Manual operation of valves must include time for the assembly of necessary operating personnel, the acquisition of necessary tools and equipment, driving time under heavy traffic conditions and at the posted speed limit, walking time to access the valve, and time to shut off all valves manually, not to exceed the maximum response time allowed under paragraphs (12)(Z)2. or (12)(Z)3. of this subsection.