

Indiana Utility Regulatory Commission

2018 Miscellaneous Issues





Special Permit Renewal



Special Permit Renewal

- Formerly called “Waiver”
- Must submit to IURC
- §190.341
- Must be requested 120 days prior to effective date of the condition or action that is expected to take place
- Include a list of specific code regulations that operator is asking for relief from
- Safety must not be diminished or compromised because of waiver
- Special Permits expire
- A request to extend the life of a special permit must be submitted to PHMSA 180 days prior to end date
- Emergency Special Permit may be granted – expire automatically on 60th day of approval



Farm Taps



Farm Taps

§192.740: Pressure regulating, limiting, and overpressure protection—Individual service lines directly connected to production, gathering, or transmission pipelines

- “This section applies, except as provided in paragraph (c) of this section, to any service line directly connected to a production, gathering, or transmission pipeline that is not operated as part of a distribution system.”

NOTE: paragraph (c) – irrigation pumps



Farm Taps

§192.1003): What do the regulations in this subpart cover?

- “Exceptions. This subpart does not apply to an individual service line directly connected to a transmission, gathering, or production pipeline.”
- Farm tap FAQ’s, formerly found at:
<https://primis.phmsa.dot.gov/dimp/farmtap.htm>
- FAQ #7 is of special interest:
 - *“FAQ #7 - What does the term "distribution system" mean in § 192.740(a) where it states "any service line directly connected to a production, gathering, or transmission pipeline that is not operated as part of a distribution system", and how does it apply to farm taps?*



Farm Taps

The intent is that farm taps off transmission, production, or gathering lines are covered by **§192.740**, and a "city gate station" (district regulator station) is covered by **§ 192.739**. However, farm taps downstream of the last downstream regulation and overpressure protection (e.g., district regulator station covered by **§192.739**) operated as part of a distribution system would not be subject to the requirements of **§ 192.740.**”



Farm Taps

- **Distribution center**

- A location at which gas may change ownership from one party to another (e.g., from a transmission company to a local distribution company), neither of which is the ultimate consumer. May also be referred to as a gate station or town border station.

- **Gate station**

- A location at which gas may change ownership from one party to another (e.g., from a transmission company to a local distribution company), neither of which is the ultimate consumer. In this instance, the gas is purchased for the sole purpose of resale. A gate station is also referred to as city gate station or town border station.

NOTE: town border station is not in the glossary



Farm Taps

Where does that leave us?

- **Catch 22**

- 1. Farm taps that do not fall under the definition of transmission are distribution lines
- 2. Farm taps are not to be covered under a DIMP plan (a complete reversal from an interpretation dated 04-19-11 to Northern Natural Gas Co, Omaha, NE)
- 3. Rule applies to “any service line directly connected to a production, gathering, or transmission pipeline that is not operated as part of a distribution system”



Farm Taps

PROPOSAL:

- Purchase points, or metering stations, mark change in ownership, the dividing line between a distribution company and their transmission operator who supplies natural gas for resale.
- As an operator that provides service to residential customers does so through a distribution system, which may include transmission pipelines.
- Pipeline operators who submit an annual report F7100.1-1, Gas Distribution Annual Report, include residential farm tap services in their EOY count.
- Therefore, all residential farm tap services that are owned and operated by a distribution company are to be considered part of a distribution system, and NOT subject to §192.740.

In lieu of being removed from a distribution operator's DIMP plan, PSD would expect "accelerated actions" be written into O&M plans so that safety is not compromised. These could include annual odorant checks and CP inspections, leak surveys every three years, etc.



Drug and Alcohol Program Requirements



Drug and Alcohol Requirements

- Minimum random drug testing @ 50% for 2018
- Docket - [PHMSA-2017-0137](#)
- All operators must have a D&A plan; cannot rely on contractors' plan(s)



Post-Incident Drug/Alcohol Testing



Post-Incident Drug/Alcohol Testing

49 CFR Part 199

- Individuals performing covered functions that contributed to an accident or cannot be completely discounted as a contributing factor must be drug and alcohol tested within 32 hours of the accident.
- Operators may choose to forgo drug and alcohol testing on an individual that are shown to have had no role in the cause or severity of the accident.
- The operator must document reason(s) why an individual was not tested within 32 hours after an incident/accident.
- Such documentation must be kept for three years.



From Zach Barrett 06/04/2018:

- **RE: §191.9** – Distribution system: Incident report;
- **§191.15** - Transmission systems; gathering systems; liquefied natural gas facilities; and underground natural gas storage facilities: Incident report;
- **§195.54** – Accident reports
- **30 days** – operator “should be able to provide much of the information required by the report forms
- **30 days plus 2 weeks** – PHMSA review
- **44 days plus 60 days** – operator and state expected to finalize the report
- **Exceptions allowed:** legal issues, outside consultant issues, metallurgical testing, etc.
- **Submit to ODES**



Bottom line: “Going forward, we would like to ensure that any open incident report is updated within 30-days of new or changed information becoming available, and submitted as Final when no additional information related to the failure is being gathered.”



Public Awareness



Public Awareness

§192.616 Public Awareness

– *§192.614 Damage Prevention Program*

- *Written program*
- *One call system*
- *Excavators and excavation activity*
- *Nothing new*



Public Awareness

§192.615 Emergency Plans

- Paragraph (c): “Each operator shall establish and maintain liaison with appropriate fire, police, and other public official to:”
 - Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;
 - Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;
 - Identify the types of gas pipeline emergencies of which the operator notifies the officials; and
 - Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.
- Know of the incident command center and its role in an emergency
- Operators don't add to the confusion
- First responders understand what the operator needs to do
- Again, nothing new



Public Awareness

- **Keep product in the pipeline!!!**
- **Next four year evaluation due now, June, 2018 (2014-2017)**
- **PSD to inspect/audit in 2019**
- **Make the attempt to reach all of your stakeholders**
- **What can INPAA do?**
 - **Help with stakeholder outreach**
 - First responder meetings
 - Midwest Damage Prevention Training Conference
 - **Survey general public across the state**
 - **Pull data from the segment of the state appropriate to you**
 - **Help determine who is not hearing the message**



Public Awareness

- Stressing INPAA as nearly all of you are already members
- Take credit for everything that INPAA, USDI and Paradigm do for you, but know what they've done, and
- Don't rest entirely on their efforts
 - Participate in the first responder meetings
 - Make the effort to reach first responders that did not attend the meetings
 - Make the effort to reach public officials
 - Maintain your own list of excavators
 - 811 can provide a place to start
 - The ultimate responsibility is on you
 - Communicate with your customers
- PSD expects you to take ownership in the program – **MAKE THE EFFORT**



Useful links..

- **Free WinDOT Pipeline Safety 49 CFR 190-199**
 - <http://www.49cfrpipeline.com/>
- **Electronic Code of Federal Regulations**
 - <https://www.ecfr.gov/>
- **Federal Register**
 - <https://www.federalregister.gov/>
- **Regulations.Gov**
 - <https://www.regulations.gov/>



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