

**PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION,
DEPARTMENT OF TRANSPORTATION**

Pipeline Safety: Safety Of Gas Distribution) Docket No. PHMSA-2021-0046
Pipelines and Other Pipeline Safety Initiatives) RIN 2137-AF53

COMMENTS OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Pennsylvania Public Utility Commission (PAPUC) submits these comments at Docket No. PHMSA-2021-0046 in response to the Notice of Proposed Rulemaking (NPRM) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA), United States Department of Transportation (US DOT) on August 24, 2023, and published in the Federal Register on September 7, 2023, 88 Federal Register 172 at pp. 61746 – 61804.

INTRODUCTION

PHMSA proposes a series of amendments to parts 191, 192 and 198 of the pipeline safety regulations¹ in response to congressional mandates and a National Transportation Safety Board (NTSB) recommendation. PHMSA intends to promulgate regulations to address a September 13, 2018, incident resulting from the over pressurization of a low-pressure gas distribution pipeline operated by Columbia Gas of Massachusetts (CMA) in the Merrimack Valley. That incident resulted in one fatality, more than 20 people (including three first responders) being hospitalized, damage to approximately 130 structures, and an evacuation request for more than 50,000 residents.

¹ 49 CFR Parts 191-192, 198.

PHMSA's NPRM proposes modifying the pipeline safety regulations to require operators of gas distribution pipelines to update their distribution integrity management programs (DIMPs), emergency response plans, operations and maintenance manuals, and system maps and records.² Additionally, the NPRM proposes new requirements related to the monitoring of construction projects, the design of new regulator stations, construction inspections, annual reporting, and test records of new, replaced, or relocated gas distribution pipelines.³ The NRPM also proposes to codify within the pipeline safety regulations its State Inspection Calculation Tool (SICT). The SICT is one of many tools used to help States determine the base-level amount of time needed for administering adequate pipeline safety programs, which PHMSA considers when awarding grants to States supporting those programs.⁴ PHMSA intends to update the SICT to expressly include the total gas or hazardous liquid pipeline mileage in the State and the age of a gas distribution system as a factor for consideration. PHMSA proposes to revise its regulations to require that States use the SICT when ensuring that an adequate number of safety inspectors are employed in their pipeline safety programs. States would have to comply with these proposed changes no later than the next SICT update immediately following the effective date of any final rule in this proceeding. PHMSA proposes amendments to 49 CFR Part 198 that would codify in regulation the SICT's use and

² 49 CFR Part 192.

³ 49 CFR Parts 191-192.

⁴ 49 C.F.R. §§ 198.3, 198.13.

define the terms “State Inspection Calculation Tool” and “Inspection Person Day” for the purposes of 49 CFR Part 198.

COMMENTS

PHMSA notes in the NRPM that there are more than 2.3 million miles of gas distribution pipelines delivering gas to communities and businesses across the United States.⁵ Approximately 79,000 miles of gas distribution pipelines are located in Pennsylvania.⁶ Gas distribution systems are made up of pipelines called “mains,” which distribute the gas within the system, and much smaller lines called “service lines,” which distribute gas to individual customers. Distribution pipelines are generally smaller in diameter than transmission pipelines and operate at lower pressures.

PHMSA relies heavily on its state partners for inspecting and enforcing the pipeline safety regulations. The pipeline safety regulations provide that States may assume safety authority over intrastate pipeline facilities, including gas pipeline, hazardous liquid pipeline, and underground natural gas storage facilities through certifications and agreements with PHMSA under 49 U.S.C. §§ 60105 and 60106.

The PAPUC is annually authorized and certified to enforce federal safety standards by the US DOT's Office of Pipeline Safety per 49 U.S.C. § 60105. The Pipeline Safety Division within the Bureau of Investigation and Enforcement of the PAPUC has 28 personnel who are located across the state and who check for compliance

⁵ 88 Fed. Reg. 61751 (Sept. 7, 2023); *see also* PHMSA, “Annual Report Mileage for Gas Distribution Systems” (June 1, 2022), <https://www.phmsa.dot.gov/data-and-statistics/pipeline/annual-report-mileage-gas-distribution-systems>.

⁶ *Ibid.*

of the PAPUC's and federal pipeline safety and hazardous liquids regulations to ensure compliance by the operators. States may also act as an interstate agent on behalf of DOT to inspect interstate pipeline facilities for compliance with the pipeline safety regulations pursuant to an agreement with PHMSA. The Pipeline Safety Division also has the authority to enforce certain federal pipeline safety regulations, as set forth in 49 U.S.C. §§ 60101, *et seq.*, and implemented in 49 C.F.R. Parts 191-193, 195 and 199.⁷

To support states' pipeline safety programs, PHMSA provides grants to reimburse up to 80 percent of the total cost of the personnel, equipment, and activities reasonably required by the State agency to conduct its safety programs during a given calendar year. 49 C.F.R. Part 198 contains regulations governing grants to aid State pipeline safety programs.

In 2017, PHMSA adopted within its guidelines for States that participate in the pipeline safety program the SICT, a tool that helps States conduct an inspection activity needs analysis for regulatory oversight of every operator subject to its jurisdiction, for the purpose of establishing a base level of inspection person-days⁸ needed to maintain an adequate pipeline safety program.⁹ In the SICT, each State agency considers the type of inspection it needs to conduct (e.g., standard, comprehensive, integrity management, operator qualification, damage prevention activities, drug and alcohol); analyzes each operator's system for several risk factors (e.g., cast iron pipe, replacement construction

⁷ 52 Pa. Code § 59.33(b).

⁸ PHMSA proposes to define "inspection person-day" at 49 C.F.R. § 198.3 to mean "all or part of a day, including travel, spent by State agency personnel in on-site or virtual evaluation of a pipeline system to determine compliance with Federal or State pipeline safety regulations."

⁹ The SICT is located on PHMSA's access restricted database portal.

activity, compliance issues); assigns each operator a risk ranking based on the risk factors (e.g., leak prone pipe would have a higher score than modern, coated, and cathodic-protected pipe); and lists other unique concerns and considerations (e.g., travel distance to conduct the inspection) applicable to each operator.¹⁰ Each State agency proposes an inspection activity level for each operator, which is subsequently peer-reviewed before being finalized by PHMSA. PHMSA expects that each State agency will dedicate a minimum of 85 inspection person-days for each of its full-time pipeline safety inspectors for pipeline safety compliance activities each calendar year.¹¹

The PAPUC Supports PHMSA's Proposed Amendments To The Distribution Integrity Management Programs (DIMP Subpart P) Regulations

PHMSA's NPRM sought comments on the proposed amendments to subpart P as it applies to operators of all gas distribution pipelines covered under Part 192.¹² Pursuant to federal pipeline safety laws, hazardous liquid operators and gas distribution companies are to file and implement a DIMP plan regarding pipeline replacement. The DIMP plan was created by PHMSA to enhance safety by identifying and reducing gas distribution pipeline integrity risks. DIMP requires a natural gas utility to undergo a series of seven elements that address risk evaluation and ranking, performance measurement and monitoring, and periodic evaluation and improvement of its gas distribution system.¹³ These at-risk and aging systems consist of bare steel, cast iron, wrought iron and coated steel. Additionally, the NRPM expressly recognizes that

¹⁰ Instructions for how to use the SICT and inspection activity needs analysis examples are in the guidelines.

¹¹ This 85-day requirement is not tied to each individual inspector. It is an 85-day average over all inspectors.

¹² 49 C.F.R. Part 192, subpart P.

¹³ 49 C.F.R. § 192.1007

certain vintages and types of plastic piping may present risk, including certain Aldyl “A” pipe, which can be susceptible to premature brittle-like cracking.¹⁴

The PAPUC supports amending Section 192.1007(b) to identify specific material types in pipeline systems to be considered as at-risk, including plastic piping that is susceptible to brittle-like cracking. The PAPUC recently approved a long-term infrastructure improvement plan (LTIIP) of a natural gas distribution company that focuses on the replacement of this type of first-generation plastic pipe.¹⁵ PAPUC approved LTIIPs identify eligible distribution property that a public utility may repair, improve, or replace, and recover associated reasonable costs using a distribution system improvement charge.

Risk analysis of these systems is an ongoing process of understanding the risk each identified threat presents to a pipeline which include, but are not limited to, non-leak events such as near misses, over pressurizations, and material and appurtenance failures. The PAPUC applauds the proposed enhancements to the current DIMP regulation as they are reasonable, technically feasible, and cost-effective means to maintain the integrity and safety of the gas pipeline system.

The PAPUC Supports PHMSA’s Efforts To Codify The Use Of The SICT In Pipeline Safety Regulations

PHMSA’s NPRM sought comments on the proposal to codify the use of the SICT in the pipeline safety regulations as well as the definition of “inspection person day.” The proposed changes to Section 198.3 define SICT as a “tool used to determine the required number of annual inspection person-day for a State agency.” The proposed

¹⁴ 88 Fed. Reg. 61759 (Sept. 7, 2023).

¹⁵ *Petition of Columbia Gas of Pennsylvania, Inc. for Approval of its Third Long-Term Infrastructure Improvement Plan*, Docket No. P-2022-3037388 (Opinion and Order entered April 20, 2023).

changes to Section 198.3 also add a definition for the term “Inspection person-day” as being “all or part of a day,” “including travel” and allowing for “on-site or virtual evaluation of a pipeline system to determine compliance with Federal or State pipeline safety regulations.” The PAPUC supports these proposed changes to Section 198.3.

However, the PAPUC is concerned that PHMSA is underestimating the average number of hours that all State representatives will spend compiling and submitting SICT data. The NPRM estimates that on average, State representatives will spend eight hours annually compiling and submitting SICT data.¹⁶ Pennsylvania has greater than 86,200 miles of jurisdictional pipeline and over 200 companies operating within its borders.¹⁷ Pennsylvania Pipeline Safety personnel spent 40 to 50 hours last year compiling and submitting SICT data. The PHMSA portal website that PHMSA provides for the States to submit data could be more user-friendly as it does not allow for data to be quickly transferred from one year to the next. It may take some States, like Pennsylvania, who have a large and diverse gas gathering, gas transmission, gas distribution, and hazardous liquids company portfolio significantly longer to complete the SICT process. The PAPUC suggests that a more realistic estimation of time for submitting SICT data is fifty hours on an annual basis, which the PAPUC deems in its experience to be the average amount of time for this task. In summary, the PAPUC has no objection to the

¹⁶ 88 Fed. Reg. 61798 (Sept. 7, 2023).

¹⁷ These companies include public utilities that distribute gas, master meters, propane operators, LNG operators, gas gathering operators, gas transmission operators, and operators transporting hazardous liquids.

codification of the use of the SICT, and only wishes to apprise PHMSA of its experience with respect to SICT data submittal. The PAPUC will use more than 8 hours per year to comply with any requirement to input data into the SICT.

CONCLUSION

The PAPUC respectfully requests that PHMSA consider these comments.

Respectfully submitted,

/s/ David Allen Alexander

David Allen Alexander, Assistant Counsel
Elizabeth H. Barnes, Deputy Chief Counsel

Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North St., 3rd Floor
Harrisburg, PA 17120
Telephone: 717-787-5000
davalexand@pa.gov
ebarnes@pa.gov

*Counsel for the Pennsylvania
Public Utility Commission*

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