

Pennsylvania Natural Gas Pipelines: PA One Call

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The Question:

- Does PA One Call apply to:
 - **Gathering Lines?**
 - **Intra-state Transmission Lines?**

This presentation attempts to answer this question.



Reference Material

- PA Act 287, as amended by PA Act 121 of 2008
- One Call Systems International Resource Guide
- 2009 Excavation Safety Guide & Directory, Pennsylvania Edition
- Common Ground Alliance Best Practices Guide, version 6.0
- PA One Call “Marking Card”, version 1/09



Agenda

- State and Federal Legislation
- Documents Incorporated by Reference
- Definitions: 'Line' and 'Facility Owner'
- Facility Owner Obligations
- Incentives



State and Federal Legislation



State and Federal Regulations

- PA Act 287, as amended
 - The “One Call Law” for the commonwealth of Pennsylvania
 - Mandates owners or operators of ‘lines’ to participate
 - Sunsets every 10 years by design
 - Current Sunset = December 31, 2016



State and Federal Regulations

- Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 (PIPES Act)
 - Successor to the Pipeline Safety Act of 1992.
 - If regulated by PIPES, mandates participation in state One Call “if one exists”.
 - PIPES Act extends to excavators in addition to pipeline operators.



PA Enforcement Authority

- For PA Act 287, as amended, the enforcement authority is the Department of Labor & Industry.



Documents Incorporated by Reference



CGA Best Practices Guide

- Incorporated by reference in PA Act 287, as amended
 - Section 9, page 16
 - Section 2, clause (5)(vi): Marking standards
 - Also references ANSI standard Z535.1



HDD Good Practices Guidelines

- Incorporated by reference in PA Act 287, as amended
 - Section 5, clause (11.2), page 11
 - “If using horizontal directional drilling (HDD), at a minimum, to utilize the best practices published by the HDD Consortium”
 - ISBN 1-928984-13-4



Definitions



“Facility Owner” means...

- “...the public utility or agency, political subdivision, municipality, authority, rural electric cooperative or other person or entity who or which owns or operates a line.”
- “This term does not include the Department of Transportation within a State highway right-of-way.”



“Facility Owner” does not include...

- “(1) A person serving the person's own property through the person's own line if the person does not provide service to any other customer.”
- “(2) A person using a line which the person does not own or operate if the use of the line does not serve more than a single property.”



“Line” means...

- “...an underground pipe used in carrying, gathering, transporting or providing natural or artificial gas, petroleum, propane, oil or petroleum and production product...”
- “To one or more transportation carriers, consumers or customers of such service **and the appurtenances thereto**”,
- “Regardless of whether such line or structure is located on land owned by a person or public agency or whether it is located within an easement or right-of-way.”



“Line” shall not include...

- “crude oil or natural gas production and gathering lines or facilities **unless the line or facility is a regulated** onshore gathering line as defined in regulations promulgated after January 1, 2006, by the United States Department of Transportation pursuant to the Pipeline Safety Act of 1992 (Public Law 102-508, 49 U.S.C. § 60101 et seq.), if the regulated gathering line is subject to the damage prevention program requirements of 49 CFR § 192.614.”



Examples of Facility Owners

- **Natural Gas Transmission Companies:**
 - Texas Eastern, Dominion Transmission
- **Natural Gas Distribution Companies:**
 - Equitable Gas, Columbia Gas, PECO
- **Petroleum production and refineries:**
 - Sunoco, Buckeye Partners



Examples of Facility Owners

- Natural Gas producers:
 - Kriebel Minerals
- Propane Companies:
 - Amerigas Propane, Direct Propane



Examples of Facility Owners

- “...to one or more... consumers or customers...”
 - Production well on private property, with a tap to the property owner for free or reduced rate natural gas.



Examples of Facility Owners

- Do you own a well? Do you provide natural gas to the property owner?

You are a Member.
(If you are not, you should be.)



Examples of Facility Owners

- Do you own gathering lines, where any portion is underground?

**You are a Member.
(If you are not, you should be.)**

(Every square inch of PA is incorporated. 49 CFR 192.1, 49 CFR 192.9, and 49 CFR 192.614 apply)



Examples of Facility Owners

- Do you own a propane tank, and provide propane to two or more customers?

**You are a Member.
(If you are not, you should be.)**

(a single propane tank, on a property serving a single customer, means you do not need to be a member.)



Facility Owner Obligations

“It shall be the duty of each facility owner:”



1. To be a Member.

- Provide valid mailing addresses and contact info;
- Provide county/municipality info where Lines are located;
- “Any other information required by the One Call System.”
- Provide changes within 5 business days.



4. Respond to Designers

- **Within 10 business days;**
 - By marking on plans; or
 - By field marking location of Lines.



5. Respond to Excavators

- Up to the business day prior to excavation
 - “...as soon as practicable...” for Emergencies
- Mark location of Lines using ANSI standard Z535.1
- Participate in preconstruction meetings.



10. Submit an Incident Report

- Not more than 10 days after damage that results in:
 - Injury
 - Third party property damage
- Incident Report is submitted to the Department of Labor & Industry.
 - May share the incident with the PUC and PEMA.



11. Comply with Regulators

- “To comply with all requests for information by the Department relating to the Department's enforcement authority under this act within thirty days of the receipt of the request.”



Incentives



Incentive to be a Member:

- “If a facility owner fails to become a member of the One Call System in violation of this act and
- A line or lines of such nonmember facility owner are damaged by an excavator by reason of the excavator's failure to notify the facility owner because the facility owner was not a member of the One Call System serving the location where the damage occurred,
- Such facility owner shall have **no right of recovery** from the excavator **of any costs associated with the damage** to its lines.
- The right herein granted shall not be in limitation of any other rights of the excavator.”



Incentive to be a Member

- If you own or operate lines, and are not a member,
 - You are subject to a \$500 administrative penalty for each and every day of noncompliance.
 - Section (7)(2)(c.2)(1), page 15



Incentive to be a Member

It is the safest
thing to do!



Review

- Federal and State regulations cross reference each other;
- If you own a Line, you must be a Member;
- Facility Owners have Obligations and Responsibilities;
- The Enforcement Authority in the commonwealth of PA is the Department of Labor and Industry.



Questions?

Thanks! for your time.



Internet References

- <http://www.paonecall.org>
- <http://www.commongroundalliance.com>
- <http://www.cga-onecall.com>
- <http://www.call811.com>
- <http://www.phmsa.dot.gov/portal/site/PHMSA>
 - (PIPES Act link is on this page)
- http://www.nastt.org/store/good_practices.html#HDD

