

Public Service Commission
West Virginia



Regulatory Update

Gas Pipeline Safety Staff

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Web Portal [Gas Pipeline Safety Launch Page - Public Service Commission of West Virginia \(state.wv.us\)](#) (password required)

Web Site [Gas Pipeline Safety - West Virginia Public Service Commission \(state.wv.us\)](#)

TYPE OF PIPELINE MILES

Year	Hazardous Liquid ⁽¹⁾	Gas Transmission (Intrastate)	Regulated Gas Gathering	Gas Distribution		Total	Reporting Regulated Gas Gathering
				Mains	Services		
2023	237⁽²⁾	197	2,359	11,146	3,297	17,236	3,364
2022	163	221	2,507	11,052	2,302	16,245	3,335⁽³⁾
2021	142	212	317	11,054	2,289	14,014	
2020	142	212	328	11,031	2,322	14,035	
2019	188	170	400	11,007	2,237	14,002	

(1) Includes both transmission and gathering

(2) Still listed as 2022 mileage

(3) 2022 was first year of reporting Type R mileage

Special License Fee

Chapter 24B allow special license fee

Starting in 2024

- No additional data submission
- For Gas – using 2023 Annual Report
- For Hazardous Liquid – using 2022 Annual Report
- Slight variations from past numbers

Notify GPS as soon as possible if invoice needs to be sent to email or some other address other than listed on annual report

Inspection Performance

Year	Inspectors	Inspection Days		Number of Inspections	Regulated Pipeline Mileage
		Required	Actual		
2024	6FT	421		~140	
2023	6 FT, 1 PT	421	682	271	17, 236
2022	4FT, 3 PT	413	619	224	16, 245
2021	3 FT, 3PT	396	708	251	14, 014
2020	4 FT	434	525	154	14, 035

Other 2023 Numbers

Gas Pipeline Safety inspected:

- 100% of distribution operator
- 85% of gas transmission operators
- 75% of gas gathering operators
- 100% of master meters
- 100% of hazardous liquid operators

Other Numbers

Inspected 113 units of total 143 gas units

Inspected 7 of 7 hazardous liquid units

Shared facilities or programs, one visit for multiple operators

Working with other states and PHMSA to reduce inspections

Other Numbers

325 major construction reports

- Visited approximately 28% of jobs
- Approximately 22% of inspection days on construction

- Two reportable incidents
 - One distribution, one gathering

- Three safety related conditions.

Incident Costs

§191.3 – Incident definition

- Estimated property damage
 - Loss to operators and others, or both, but excludes gas loss
- Cost may be adjusted annually
 - July 1, 2023 – increased to **\$139,700**

- §150 CSR4, Section 9.6
- Remember West Virginia limit is still \$50,000, including gas lost
- Telephonic report to GPSD emergency number
 - 30 day written report

Drug and Alcohol

December 8, 2023

- Federal Register Volume 88, Number 235
 - pages 85728-85729
 - Reduce rate of testing for covered employees to 25% for calendar year 2024
- Positive drug test rate below 1.0% for 2 consecutive calendar year
 - Information submitted through PHMSA portal

- Approved spit tests – but no protocols for such

Regulatory Review

No new final rules were published during 2023

- Implementation dates for prior amendments

No advisory bulletins were issued in 2023

Highlights of New Gathering Requirements

- Annual and incident reporting for all gas gathering lines, including previously unregulated lines
- Documentation of beginning and ending points of all gathering lines.
- Newly designated “Type C” and “Type R” gathering lines
 - **Type C** - Previously-unregulated gathering pipelines subject to safety standards in part 192 and reporting requirements in part 191
 - **Type R** - All other onshore gathering lines in Class 1 and 2 locations subject to reporting requirements in part 191.
- “Incidental Gathering” line exception limited to lines 10 miles or less from the furthestmost downstream endpoint of gathering for newly constructed lines or otherwise changed after May 16, 2022.

Gathering Compliance Dates

Final Rule Effective Date: **May 16, 2022.**

Reporting

- Incident Reports: Report events occurring after **May 16, 2022.**
- Annual Reports: 2022 reports due **March 15, 2023.**

Identify all gathering lines: **November 16, 2022.**

§192.9 compliance: **May 16, 2023.**

§192.9 compliance for lines that become Type C **after** May 16, 2022: **1 year from date they become Type C lines.**

MAOP lookback: **5-year period ending May 16, 2023.**

Federal enforcement discretion

- Incidental gathering lines: constructed after **May 16, 2022.**
- Part 192 requirements for pipelines ≤12.75": **May 17, 2024.**

Stakeholder Litigation – GPA/API

NOTABLE COURT DECISION

[GPA Midstream & American Petroleum Institute v. U.S. DOT PHMSA](#)

– Petitioned Valve rule's applicability to Gathering lines.

Decision May 16, 2023 – Vacate rule in its entirety as it applies to gathering pipeline facilities!! [2020-01459.pdf \(govinfo.gov\)](#)

Stakeholder Litigation – GPA/API

NOTABLE COURT DECISION

Amendment 192.130 (valve rule) Affected the following 192 code sections:
 §192.3: Definitions – entirely replaced, notification of potential rupture, rupture mitigation valve.
 §192.179(e), (f), (g) and (h): Transmission line valves.
 §192.610: Change in class location: Change in valve spacing.
 §192.615(a)(2), (a)(6), (a)(8), (a)(11), (a)(12) and (c): Emergency plans.
 §192.617: Investigation of failures and incidents.
 §192.634: Transmission lines: Onshore valve shut-off for rupture mitigation.
 §192.635: Notification of potential rupture.
 §192.636: Transmission lines: Response to rupture; capabilities of RMV or alternative equivalent tech.
 §192.745: Valve maintenance: Transmission lines.
 §192.935: What additional preventative and mitigative measures must an operator take?

Stakeholder Litigation – GPA/API

NOTABLE COURT DECISION

For Type A, B and C gathering lines §192.615 - Emergency Plans– reverts back to the code in effect on October 4, 2022

This includes paragraphs §192.615(a)(2), (a)(6), (a)(8), (a)(11), (a)(12) and (c)

Code books contain both versions

Documentation of Gathering Classification

Does § 192.8(b) require that documentation includes the determination of “production” versus gathering? Does this need to be written documentation?

- **Yes. An operator of a gathering pipeline must have written documentation of its analysis of the start and end points of gathering per Section 192.8(b), and the application of API RP 80 necessarily includes a determination of the endpoint of production operations.**
- Looking for Type A, Type B, Type C, and Type R. Includes if exempted out Type C according to §192.9(f)(1)(i – PIR) or (ii – Class location)

Type C Inspections

PHMSA Form 26 – Specific to Type B and Type C Gathering lines

- Limited records for Type C lines
- Looking at records for start and end points
- API RP 80 “Appalachian Model”
 - Operator must also consider 192.8(a)(1 – 5)
 - “Determination is subject to limitations listed below”

OTHER THINGS TO CONSIDER – DISTRIBUTION OFF GATHERING

Operators with new type C gathering with Farm Taps should have looked at putting these in a Distribution Integrity Management Program or meeting the requirements of 192.740.

The previous language in §192.740 exempted these lines as they were not previously considered Regulated gathering, but with Amendments 191-30 and 192-129 (RIN 3). These lines are now considered Regulated Gathering.

Valve Rule

Valve Installation and Minimum Rupture Detection Standards

- Amendments 192-130 and 195-105
- Effective October 5, 2022
- Applies to HL & gas transmission lines ≥ 6 " in diameter and HL gathering lines that span water crossings >100 feet, and HL low stress lines subject to §195.260(e)

Valve Rule

- Rupture-mitigation valve (RMV)
 - Minimize the volume of a release and mitigate the consequences
 - Automatic shut-off valve (ASV)
 - Remote-control valve (RCV)
 - Alternative equivalent technologies



Valve Rule

- Newly constructed or “entirely replaced” pipelines must be equipped with rupture mitigation valves or alternative equivalent technology
 - Entirely replaced 2 or more miles of pipe, in the aggregate, that have been replaced within 5 contiguous miles in a 24 month period (§§192.3, 195.2)
- New valve spacing requirements for gas transmission and hazardous liquid pipelines

Valve Rule

- Develop written procedures regarding identification and confirmation of ruptures
- Maintenance and drill requirements for equivalent technology to ensure 30 minute valve closure
- Investigation following rupture with any lessons learned implemented in system

Valve Rule

- Language added to §§ 192.615 and 195.402(e) regarding emergency notification
 - Notice to the appropriate public safety answering point
 - 911 call center
 - State or county emergency management or coordinating agencies
 - WVSC Chapter 15-5C reporting to Division of Homeland Security and Emergency Management or 911 within 15 minutes

Valve Rule

- Language added to §§ 192.615(a)(1) & (8) and 195.402(e)(1) & (7) regarding emergency notification
 - Applies to gas and hazardous liquid transmission and distribution
 - **DOES NOT APPLY TO ANY GAS GATHERING**
 - Written procedures for coordinating and sharing information
 - Notification of appropriate public safety answering point for ruptures
 - §§192.635 and 195.417 provide methods to determine rupture

Transmission Rule – RIN 2

- Amendment 192-132
- Effective May 24, 2023

- §192.13(d) – Management of change process
 - Outlined in ASME/ANSI B31.8S Section 11
 - For non-HCAs implemented by February 26, 2024

Transmission Rule – RIN 2

Added certain requirements for non-HCA areas

- Timing of repairs,
- Predicted failure pressures and critical strain levels

IM requirements

INGAA filed suit against PHMSA to delay implementation of certain aspects of the rule

Notice of Proposed Rulemaking (NPRM)

Leak Detection and Repair

- Published May, 2023
- Responds to Section 113 of PIPES Act of 2020
- White House Methane Reduction Action Plan

NPRM – Leak Detection

Major Topics in the NPRM

- Leak detection and repair (LDAR) program.
- Grade and repair all leaks.
- More frequent leakage surveys and patrols
- Performance standard for LDAR equipment and programs.
- Minimize O&M-related releases.
- Reporting on large releases, leaks discovered, and NPMS participation for regulated gathering.

NPRM – Leak Detection

Major Topics in the NPRM

- More frequent patrols with more sensitive equipment
- Grading, prioritization and repair requirements within GPTC framework
- Minimize emissions from blowdowns and equipment releases (Section 114 of PIPES Act of 2020)
- Reporting of emissions, leaks discovered and repaired
- Large volume release reporting
- Problems relating volumetric releases to ppm and LELs
 - i.e. – 10 KG/hour is ??????

Differences from the GPTC Guide

Grade 1 Leaks

- No Change in timing – still immediate
- All leaks that can be “seen, heard, or felt” are grade 1 regardless of location.

Grade 2 Leaks

- 6-month repair criteria vs 15 months for GPTC
 - GT in HCA, Class 3 & 4 – 30 day repair criteria
- All Transmission leaks are grade 2 at a minimum (rather than >30% SMYS or location).
- New criteria: emissions >10 cubic feet per hour
- Grade 2 is the minimum grade for hydrogen and LPG

the GPTC Guide

no repair timeframe
 scheduled to be replaced
 within 6 months vs
 the standard

33

Differences from the GPTC Guide

Grade 3 Leaks

- Repair all within 24 months - no repair timeframe in GPTC
 - Exception for pipe scheduled to be replaced with 5 years
- Reevaluate Grade 3 leaks within 6 months vs GPTC 15-month reevaluation standard

Nuisance Leaks

34

NPRM – Leak Detection

GPAC Meetings

- November 2023 and March 2024
- Series of recommendations to PHMSA
- Expectation final rule out 90 days prior to election
- Still make written comments to docket

- Don't buy any leak detection equipment without looking at the change in detection requirements
- Start reviewing requirements for O&M manuals
- OQ for tasks

NPRM: Safety of Gas Distribution Pipelines



Published 9/7/23

- Addresses Leonel Rondon Act in the PIPES Act of 2020
- **Major Topics Under Consideration**
 - Distribution integrity management plans
 - Emergency response plans
 - Operations and maintenance
 - Low pressure distribution systems

Next Action: GPAC meeting

Safety of Gas Distribution Pipelines

Proposed Requirements:

- Clarifies and revises DIMP to address threats related to overpressurization; requires improved district regulator station design
- Removes small LPG operators from DIMP and institutes annual reporting requirements for these operators
- Codifies the use of the SICT when PHMSA determines State pipeline safety program funding
- Requires operators to include procedures for contacting first responders, the public, and customers in emergency response plans
- Requires operator O&M manuals include overpressurization considerations and an MOC process
- Requires recordkeeping of TVC pressure controls
- Requires qualified personnel to monitor construction activity
- Misc. – inspections, testing records, annual reporting

Carbon Dioxide



Under Development

- In response to carbon capture initiatives, and the growth of CO₂ pipelines – both liquid and gaseous
 - Gaseous vs liquid pipelines
 - Vapor dispersion modeling for CO₂ pipelines
 - Crack arresters
 - Odorization

Next Action:

- Publish NPRM

Class Location Requirements

- **NPRM Published 10/14/20**
- **Major Topics Under Consideration:** Options for CL changes due to population increases
 - Codifying requirements from special permits for Class 1 to 3 class changes
 - Geotechnical concerns
- GPAC meeting held March 25 – 29, 2024
- Docket still open for written comments

NPRM - Standards Update

- **Standards 1**
 - **NPRM Published 1/15/2021**
 - PAC meeting held 10/21/21
 - **Next Action:** Publish final rule
- **Standards II**
- **NPRM Published 8/29/22**
 - Proposes 28 updated standards
- **Next Action:** PAC meeting

Coastal Ecological Unusually Sensitive Areas (USAs)



- **Interim Final Rule (IFR) Published 12/27/2021**
 - Effective date 2/25/2022
 - API GPA petition/lawsuit
 - PHMSA response; stay of enforcement (low stress/gathering)
- **LPAC Meeting on 8/17/2022**
- **Major Topics**
 - Expand definition of USA to include Great Lakes, coastal beaches, and coastal waters
 - Subject pipelines in such areas to IM in 49 CFR 195
 - Updated USAs in the NPMS
 - **Next Action:** Publish final rule

Hazardous Liquid Repair Criteria



- **Under Development**
- Split from original HL NPRM/Final Rule
- Possible Part 192 implications
- **Major Topics Under Consideration**
 - Repairs in HCA and non-HCAs
- Next Action:**
 - Publish NPRM

Pipeline Operational Status



- **Under Development**
- **PIPES Act of 2020 defines an “idled pipeline”**
 - Will not resume service in 180 days
 - Has been isolated from all sources of hazardous liquid/natural gas, has been purged
- **API RP 1181** addresses idled pipelines
- **ADB 16-05** – Clarification of Terms Relating to Pipeline Operational Status
- **Next Action:** Publish NPRM



