

Public Service Commission  
**West Virginia**



# Regulatory Update

MARY FRIEND

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

## Gas Pipeline Safety Staff

Mary Friend	Director
Bob Weiford	Manager
Girija Bajpayee	Inspector
David Hancock	Inspector
Keith Knowles	Inspector
Greg Lago	Inspector
Doug Riney	Inspector
Jim Searls	Inspector

## Contact Information

24 Hour Emergency Reporting 304-340-0486

General E-mail [GPS\\_INFO@psc.state.wv.us](mailto:GPS_INFO@psc.state.wv.us)

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 <sup>(1)</sup>	Gas Transmission (Intrastate)	Regulated Gas Gathering	Gas Distribution		Total	Reporting Regulate Gas Gatherin
				Mains	Services		
<b>2024</b>	220 <sup>(2)</sup>	195	2,510	11,300	4,475	18,680	5,096
<b>2023</b>	220	197	2,456	11,146	3,297	17,236	3,364
<b>2022</b>	163	221	2,507	11,052	2,302	16,245	3,335 <sup>(3)</sup>
<b>2021</b>	142	212	317	11,054	2,289	14,014	
<b>2020</b>	142	212	328	11,031	2,322	14,035	

(1)Includes both transmission and gathering

(2)2023 annual report mileage

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

## Special License Fee

Chapter 24B allow special license fee

- No additional data submission
- For Gas – using 2024 Annual Report
- For Hazardous Liquid – using 2023 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		
<b>2024</b>	3FT, 3 PT	421	630	289	18, 680
<b>2023</b>	6 FT, 1 PT	421	682	271	17,236
<b>2022</b>	4FT, 3 PT	413	619	224	16,245
<b>2021</b>	3 FT, 3PT	396	708	251	14, 014
<b>2020</b>	4 FT	434	525	154	14, 035

## Other 2024 Numbers

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Gas Pipeline Safety inspected:

- 100% of distribution operator
- 90% of gas transmission operators
- 92% of gas gathering operators
- 100% of hazardous liquid operators
  
- 4% of master meters

## Other 2024 Numbers

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Inspected 35% 130 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 2024 Numbers

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318 major construction reports

- Visited 102 separate jobs
- Approximately 28% of inspection days on construction
  
- No reportable incidents
  
- No safety related conditions.

## Incident Costs

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§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, 2024 – increased to **\$145,400**
  - Check PHMSA website at  
<https://www.phmsa.dot.gov/incident-reporting>

## Incident Costs

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§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

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November 20, 2024, Federal Register Volume 89, No 224, pg 91877-91889

- Increase rate of testing for covered employees to 50% for calendar year 2025
- Positive drug test rate below 1.0% for 2 consecutive calendar years – can lower rate
- Positive drug tests for latest year above 1.0%, must raise rate
- Information submitted through PHMSA portal – DAMIS Reports
  
- Approved spit tests – but no protocols for such

## **Part 190 – Civil Penalties**

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December 30, 2024

- Federal Register Volume 89, Number 249
  - pages 89551-89568
- Increases civil penalties
  - Pipeline Safety Violation - \$272,926
  - Series maximum of \$2,729,245
  - Only on Federal side, states may have different rates

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## **Advisory Bulletins**

## **ADB -24-01**

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### Identification and Evaluation of Potential Hard Spots In-Line Inspection Tools and Analysis

Recent data and investigation indicate hard spots are a broader concern than previously identified particularly in pre-1970 pipe

## **ADB -24-01**

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§192.3 hard spot mean an area on steel pipe material with a minimum dimensions >2" in any direction and hardness  $\geq$  Rockwell 35 HRC





## **ADB -24-01**

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Operator should consider:

- Ensuring TVC records for manufacturers and date
- Determine if pipe susceptible to hard spots in system
- Review known integrity issues
- Develop enhanced assessment program
- Re-evaluate ILI data
- Continue to share information about destabilization of hard spot

## **ADB 25-01**

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Pipeline Safety Management Systems

- FR Volume 90, No 56, pages 13658 - 13661

Promote implementation of a pipeline safety management system (PSMS) by regulated owners and operators using API RP 1173

Section 205 of PIPES 2020 and NTSB Recommendation P-24-002

## **ADB 25-01**

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### Pipeline Safety Management Systems

2023 Annual Report PSMS team indicated 85% of total pipeline industry mileage is covered by PSMS

2023 voluntary information collection – 86% of distribution operators have begun implementing PSMS

Large operators more likely to implement than small operators

## **ADB 25-01**

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### Pipeline Safety Management Systems

PHMSA strongly encourages operators to:

- Implement PSMS program as outlined in API RP 1173
- Ensure that PSMSM continuously evolves and improves
- Maintain a safety culture that promotes diligence throughout organization

## **PSCWV Advisory Notice**

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March 25, 2025 – 811 Responsibilities

- Licensed owners, contractors and subcontractors are ultimately responsible for any excavation that interrupts or damages underground facilities
- Requirement to call both owner of damaged facility and 811 in response to damage to buried facilities

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## **Regulatory Review**

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## Few final rules were published during 2023 and 2024

- Implementation dates for prior amendments
  - Gathering lines by May 16, 2023
  - MOC by February 26, 2024
  - Data integrations by February 2024

No notices of proposed rulemaking

Working on final rules

## 2024

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### Amdts 192-135 and 195-107

- Issued April 29, 2024, effective June 28, 2024
- Amends Incorporated by Reference (IBR's) for 20 new or updated technical standards.
  - Adding newer versions or addendums
  - Reference section of code where standard is incorporated
  - More consistent with new technologies and methodologies
- Stay of enforcement on API 1104 until December 31, 2024

# 2024

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## Amdts 192-135 and 195-107

- Other misc. changes
  - Pipe and appurtenance design
  - Submissions of abandoned pipelines to NPMS
  - §192.911 – Communication plan in B31.8 Paragraph 850.9
- Part 195
  - Added breakout tanks as covered facility

## 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 furthest 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  $\leq 12.75$ ": **May 17, 2024.**

## 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.**

2025 inspections looking for Type A, Type B, Type C, and Type R end point determinations

- 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 due to implementation date
- 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”
  
- GPTC has developed Gathering line guide for purchase

## **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  $\geq 6$ " 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 (AET)
    - Includes manual valves





## Valve Rule

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- 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

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- 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

States may have additional notification requirements

## 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

## Amdt 192-130 – Valve Rule

### NOTABLE COURT DECISION

#### Stakeholder Litigation

[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 \(govinfo.gov\)](#)

## **Amdt 192-130 – Valve Rule**

### **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)

**Be aware that different emergency plan requirements for gathering, transmission and distribution**

## **Transmission Rule – RIN 2**

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- 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**

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Added certain corrosion requirements

- 1,000 feet or more of replacement pipe – must perform coating assessment (i.e. - DCVG, ACVG) within 6 months
- Found both in §§192.319 and 192.461
- Develop remedial plan if necessary
- Retain coating assessment findings for life of the pipeline

## **Transmission Rule – RIN 2**

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Added certain corrosion requirements to §192.465 –

- Codified remedial action
- For P/S reading below criteria
  - Added language requiring investigation and mitigation of non-systemic or location specific causes
- Remediation requirements

## **Transmission Rule – RIN 2**

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Added certain corrosion requirements to §192.473 –

- Interference surveys
  - Added language requiring investigation and mitigation
  - Remediation requirements

## **Transmission Rule – RIN 2**

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§192.613 – Continuing Surveillance

- Language for assessment after extreme weather events and natural disasters
- Within 72 hours when determined accessible
- Prompt remedial action

## **Transmission Rule – RIN 2**

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Added certain requirements for non-HCA areas

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

Exceptions for gathering lines

## **Transmission Rule – RIN 2**

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IM requirements

- IBR for ECDA, ICDA, SSCDA
- New data requirements and data integration
  - Data integration completed by February 2024

## **Transmission Rule – RIN 2**

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

Case No 23-1173

- Vacated certain parts, including §§192.478 (corrosive constituent standards), 192.712 (dents), 192.714 and 192.933 (crack safety factors)

## **Amendment 192-138**

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Issued 1/15/2025, effective immediately

Vacated certain parts, including §§192.478 (corrosive constituent standards), 192.712 (dents), 192.714 and 192.933 (crack safety factors)

Amendment addresses these sections that were vacated, and addressed additional gathering line exceptions

## **FR Notice**

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Published December 27, 2024

Requests comments regarding certain information collection activities including OPID, OQ, PAP, State Certifications, CRM, TIMP and LIMP

## **FR Notice**

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Published December 30, 2024

Federal Civil Penalty adjustments

- Maximum of \$272,926 per violation
- Maximum of \$2,729,245 per series



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## **LOOKING FORWARD**

### **Administration Change**

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Social cost of carbon and climate change have to be readdressed

Changes in priorities – many of recent proposed rules will need to re-evaluated to address change in priority

## **Executive Orders**

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April 8, 2025 – Protecting American Energy from State Overreach

- Regulatory preferences of few States onto all States
- Free from policies that make energy more expensive

Identify and take appropriate action for State laws burdening the identification, development, siting, production or use of domestic energy resources

## **Executive Orders**

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April 9, 2025 –

5 year sunsets to energy-related regulations in place by September 30

Agencies include FERC (including Natural Gas Act), EPA, DOW, NRC, Corps of Engineers, Fish & Wildlife, and BLM

## **Executive Orders**

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April 9, 2025 – Directing the Repeal of Unlawful Regulations

Executive Order 14219 (2/19/25)

- Identify unlawful regulation within 60 days and begin to repeal them
- Immediately take actions to repeal that exceed authority

## **FR Notice**

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Published December 30, 2024

Federal Civil Penalty adjustments

- Maximum of \$272,926 per violation
- Maximum of \$2,729,245 per series

## **Notice of Proposed Rulemaking (NPRM)**

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### **Leak Detection and Repair (LDAR)**

- Published May, 2023
- Responds to Section 113 and 114 of PIPES Act of 2020
- White House Methane Reduction Action Plan
- Minimize and reduce methane emission from pipelines

## **NPRM – Leak Detection**

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### **Major Topics in the NPRM**

- Leak detection and repair (LDAR) program.
- Grade and repair all leaks within established time frames.
- More frequent leakage surveys and patrols
- Performance standard for LDAR equipment and programs.
- Minimize emissions from blowdowns and equipment releases during O&M activities (Section 114 of PIPES Act of 2020)
- Reporting on large releases, leaks discovered, and NPMS participation for regulated gathering.

## **NPRM – Leak Detection**

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### **Major Topics in the NPRM**

- Added number of definitions, including leak , LEL
- Defined leak grades
- Changes in design and purging to address emissions
- New Requirements for Type B and C gathering lines such as written O&M manual, leak repairs, relief devices for proper operation
- UNGS – also included in LDAR
- Written procedures for advanced leak detection program (ALDR)

## **NPRM – Leak Detection**

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### **Potential Issues**

- Think of leaks in terms of safety
- Problems relating volumetric releases to ppm, LELs and safety
- 10 kg/hour is what? And how does that affect public safety?
- Adds environmental aspect to leaks

## NPRM – Leak Detection

- Publication set for 1/20/25
  - Advance copies were over 900 pages long
  - Will need to be re-evaluated and retooled.
- Don't buy any leak detection equipment without looking at the change in detection requirements
- Start reviewing requirements for O&M manuals
  - Section 114 still mandate from PIPE 2020
- OQ for tasks

## NPRM: Safety of Gas Distribution Pipelines



### Published 9/7/23

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

## Safety of Gas Distribution Pipelines

On hold pending re-evaluation

Cost benefit evaluation over \$100 million

Look at DIMP threats for overpressurization, record keeping for pressure controls, qualified personnel to monitor construction

## Carbon Dioxide



### Under Development

- Satartia, Mississippi incident, 2020
- In response to carbon capture initiatives, and the growth of CO<sub>2</sub> pipelines – both liquid and gaseous
  - Gaseous vs liquid pipelines
  - Vapor dispersion modeling for CO<sub>2</sub> 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 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

# Hydrogen

Examining the use of hydrogen and blended hydrogen

- Approximately 1500 miles of existing hydrogen lines
- Some distribution lines blending up to 5% hydrogen in natural gas
- Covered by current Part 192
- Additional work on the effect of hydrogen on pipelines

## 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

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## **ODDS & ENDS**

### **PHMSA Reauthorization**

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Agency must be reauthorized every four years

PIPES Act of 2020

Drafts in 2024, but change in administration will change priorities

## Governor Order 6-25

Issued January 14, 2025

Identification of rules that are outdated, overly complex, inconsistent, confusing or difficult to administer

Within 100 days(4/17) recommendations regarding rules that may be simplified, clarified, modernized or eliminated

2. All officials, departments, divisions, agencies, boards, and employees under the authority of the Governor to cooperate with the cabinet secretaries and department heads in the performance and fulfillment of this Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Fourteenth Day of January, in the Year of our Lord, Two Thousand Twenty-Five in the One Hundred Sixty-Second Year of the State.

*Patrick Morone*

GOVERNOR

*Krist Warner*

SECRETARY OF STATE

## Governor Order 6-25

Gas Pipeline Safety Division reviewed Chapter §150 CSR 4

- Over 100 items such as major construction, gathering, hazardous liquid, definitions
- According to USC §60105 certification, must follow minimum guidelines, but can write stricter rules

## **Governor Order 6-25**

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## **OBM FR Notice Vol 90, No 69**

Office of Management and Budget issued on Friday, April 11, 2025

- Solicit ideas for deregulation across the country
- Identify rules to be rescinded and provide detailed reasons
- Any and all regulations currently in affect
- Written comments received by May 12, 2025
- Submit to <https://www.regulations.gov/>

# USIC

## April 4, 2025 declared force majeure in 51 of 55 WV counties

WV 811 does not have a clause in our law governing force majeure. This letter has no bearing for on time locates. This does not excuse Frontier or any utility for not locating within 48 hours of notice. This notice is between utilities and USIC, they have not been in contact with us regarding storms. WV 811 expects timely locates and business as usual. The other states involved in this letter are following the same guidelines and also were not notified by USIC or the utilities. This does not exclude utilities from liability of any damages that may occur from not locating according to the state statute. We appreciate Frontiers dedication to getting locates on time but further remind you that this notice will not exempt Frontier or any utility from violations from the WVDPB. If you have anymore questions please reach out and we will be happy to help.

Brandon Hahn  
Deputy Director WV 811  
Executive Secretary WV Damage Prevention Board  
206 Berkeley St, Charleston WV 25302  
304-657-4839



# NTSB Report

NTSB released report for the March 24, 2023 Fire and Explosion in West Reading, PA

- 18 recommendations from report
- PHMSA, OSHA, States, PUC, AGA, API, GPTC, and other
- Letter to all governors
  - require the installation of natural gas alarms that meet the specifications of NFPA 715 in businesses, residences, and other buildings where people congregate that could be affected by a natural gas leak.

