

# PHMSA Notification of Changes Advisory Bulletins

Nebraska State Fire Marshal  
Pipeline Safety Section



# Random Drug Testing Rate

- [Notices] [Pages 85728-85729]
- DEPARTMENT OF TRANSPORTATION
- Pipeline and Hazardous Materials Safety Administration
- [Docket No. [PHMSA-2023-0116](#)]
- Pipeline Safety: Random Drug Testing Rate; Multi-Factor Authentication; and Operator and Contractor Management Information System Reporting
- **AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.
- **ACTION:** Notice of Calendar Year 2024 Minimum Annual Percentage Rate for Random Drug Testing; Multi-Factor Authentication (MFA) for Drug and Alcohol (D&A) Management Information System (DAMIS) Reports, Pipeline Operator DAMIS Reporting, and Contractor DAMIS Reporting.

# Random Drug Testing Rate

- **SUMMARY:**

- PHMSA has determined that the minimum random drug testing rate for covered employees will remain at 25 percent during calendar year 2024. For calendar year 2023 reporting, DOT is introducing MFA (Multi-Factor Authentication) login procedures for submitting D&A testing data into the DAMIS database. This notice also explains how pipeline operators and contractors will obtain MFA login information.

- **DATES:**

- Applicable January 1, 2024, through December 31, 2024.

- **FOR FURTHER INFORMATION CONTACT:**

- Wayne Lemoi, Drug & Alcohol Program Manager, Office of Pipeline Safety, by phone at 909-937-7232 or by email at [wayne.lemoi@dot.gov](mailto:wayne.lemoi@dot.gov).

-

# How Users access DOT's D&A Management Information System (MIS) 2<sup>nd</sup> Notice

- **What's new with the DOT's Drug and Alcohol Management Information System (MIS)?**
- DOT-regulated employers required to submit annual drug/alcohol testing data will need to go through **Login.gov** to access the DOT's drug and alcohol MIS and to input and submit their drug/alcohol testing data.
- **What is Login.gov?**
- **Login.gov** is a secure sign in service used by the public to sign in to participating government agencies' systems, including MIS. **Login.gov** requires the user to set up at least one authentication method to secure their account.
- **Is there a charge/fee to the user for using Login.gov?**
- No.
- **Who does this change affect?**
- DOT-regulated employers that are required to submit their annual drug/alcohol testing data to the DOT Agency that regulates them (e.g., FTA, FRA, FMCSA, PHMSA, FAA).
- **When will this change be effective?**
- January 1, 2024.

# How Users access DOT's D&A Management Information System (MIS) 2<sup>nd</sup> Notice

- **If I don't already have a *Login.gov* account, how do I set up my *Login.gov* account?**
- Employers who will be required to submit their CY 2023 drug/alcohol data will receive an email or letter from DOT with a 32-digit code and will enter this code once they open the MIS website (<https://DAMIS.dot.gov>).
- After entering the 32-digit code, the employer will then be directed to the ***Login.gov*** webpage to create an account with ***Login.gov***.
  - The first step in creating an account with ***Login.gov*** is to enter your email address.
  - Next, you will be asked to confirm the email address you entered.
  - Next, you will be asked to create and confirm a password for your ***Login.gov*** account.
  - Next, you will be asked to choose an 'authentication method' (such as a one-time code that is sent to your phone). Choosing the 'text message' option is the simplest of methods to use.
  - Finally, you will be directed to your company-specific account in DAMIS (and you can begin entering your data).
- If you already have a ***Login.gov*** account (e.g., because you created one for access to FMCSA's Clearinghouse), just sign into your ***Login.gov*** account.

# PHMSA Forms Updates

# Updated Forms

## **Incident Reports**

- Gas Distribution Incident Report F7100.1
- Gas Transmission, Gathering, and UNGS Incident Report F7100.2
- Liquefied Natural Gas Facilities Incident Report F7100.3

## **Distribution Annual Report**

- Gas Distribution Annual Report F7100.1-1

# Gas Distribution Incident Report F7100.01

Test pressure (psig):             
 No

Complete the following if any Excavation Damage sub-issue is selected.

3. Did the operator get prior notification of the excavation activity?  Yes  No
- 3a. If Yes, Notification received from: (select all that apply)  One-Call System  Excavator  Contractor  Landowner
- 3b. Per the primary Incident Investigator report, did State law exempt the excavator from notifying the one-call center?  Yes  No  Unknown  
If yes, answer 3c through 3d.
- 3c. (select only one)  Excavator is exempt  
 Activity is exempt and did not exceed the limits of the exemption  
 Activity is exempt and exceeded the limits of the exemption  
 Other mandatory test field:
- 3d. Exempting Authority: \_\_\_\_\_  
3e. Exempting Criteria: \_\_\_\_\_

4. Do you want PHMSA to upload the following information to CGA-DIRT (www.cga-dirt.com)?  Yes  No

5. Right-of-Way where event occurred: (select all that apply)
- Public => Specify:  City Street  State Highway  County Road  Interstate Highway  Other
  - Private => Specify:  Private Landowner  Private Business  Private Excavator
  - Pipeline Property/Easement
  - Power/Transmission Line
  - Railroad
  - Dedicated Public Utility Easement
  - Federal Land
  - Unknown/Other

6. Was the facility part of a Joint Trench?  Yes  No

7. Did this event involve a Cross Bore?  Yes  No

8. Measured Depth from Grade: (select only one)
- Embedded in Concrete/Asphalt Pavement  <18"
  - >18"  Measured depth From Grade in Inches: \_\_\_\_\_

9. Type of excavator: (select only one)
- Contractor  County  Developer  Farmer  Municipality  Occupant
  - Railroad  State  Utility  Unknown/Other

10. Type of excavation equipment: (select only one)
- Auger  Backhoe/Trackhoe  Boring  Drilling  Directional Drilling
  - Excavator  Pallet Equipment  Grader/Scraper  Hand Tools  Milling Equipment
  - Probing Device  Trencher  Vacuum Equipment  Bulldozer  Unknown/Other

11. Type of work performed: (select only one)
- Agriculture  Cable TV  Curb/Sidewalk  Building Construction  Building Demolition
  - Drainage  Driveway  Electric  Engineering/Surveying  Fencing
  - Grading  Irrigation  Landscaping  Liquid Pipeline  Milling
  - Natural Gas  Pole  Public Transit Authority  Railroad Maintenance  Road Work
  - Sewer (Sanitary/Storm)  Site Development  Steam  Storm Drain/Conduit  Street Light
  - Telecommunications  Traffic Signal  Traffic Sign  Water  Weirway Improvement
  - Unknown/Other

6. Was the facility part of a joint trench?  
7. Did this event involve a Cross Bore?

12. Was the One-Call Center notified?  Yes  No If No, skip to question 11

12a. If Yes, specify ticket number: \_\_\_\_\_

12b. If this is a State where more than a single One-Call Center exists, list the name of the One-Call Center: \_\_\_\_\_

12c. Was work area white lined?  No  Yes  Unknown

13. Type of Locator  Facility Owner  Contractor Locator

14. Were facility locate marks visible in the area of excavation?  No  Yes

15. Did the damage cause an interruption in service?  No  Yes

15a. If Yes, specify duration of the interruption: \_\_\_\_\_ hours

16. Description of the CGA-DIRT Root Cause (select the predominant CGA-DIRT Root Cause)

**Notification Issue**

- No notification made to the One-Call Center/811
- Excavator dug outside area described on ticket
- Excavator dug prior to valid start date/time
- Excavator dug after valid ticket expired
- Excavator provided incorrect notification information

**Excavation Issue**

- Excavator dug prior to verifying marks by test-hole (pothole)
- Excavator failed to maintain clearance after verifying marks
- Excavator failed to protect/shore/support facilities
- Improper backfilling practices
- Marks faded or not maintained
- Improper excavation practice not listed above

**Locating Issue**

- Facility not marked due to Abandoned facility
- Facility not marked due to incorrect facility records/maps
- Facility not marked due to locator error
- Facility not marked due to no response from operator/contract locator
- Facility not marked due to inaccurate marks at damage location
- Facility not marked due to Tracer wire issue
- Facility not marked due to Unlocatable Facility
- Facility marked inaccurately due to Abandoned facility
- Facility marked inaccurately due to incorrect facility records/maps
- Facility marked inaccurately due to locator error
- Facility marked inaccurately due to tracer wire issue

**Miscellaneous Root Causes**

- Deteriorated facility
- One Call Center Error
- Previous damage
- Root Cause not listed (comment required): \_\_\_\_\_

### Notification Issue

- No notification made to the One-Call Center/811
- Excavator dug outside area described on ticket
- Excavator dug prior to valid start date/time
- Excavator dug after valid ticket expired
- Excavator provided incorrect notification information

### Excavation Issue

- Excavator dug prior to verifying marks by test-hole (pothole)
- Excavator failed to maintain clearance after verifying marks
- Excavator failed to protect/shore/support facilities
- Improper backfilling practices
- Marks faded or not maintained
- Improper excavation practice not listed above

### Locating Issue

- Facility not marked due to Abandoned facility
- Facility not marked due to Incorrect facility records/maps
- Facility not marked due to Locator error
- Facility not marked due to no response form operator/contract locator
- Facility not marked due to trace wire issue
- Facility not marked due to unlocatable facility
- Facility marked inaccurately due to Abandoned facility
- Facility marked inaccurately due to incorrect facility records/maps
- Facility marked inaccurately due to locator error
- Facility marked inaccurately due to trace wire issue

### Miscellaneous Root Causes

- Deteriorated facility
- One Call Center Error
- Previous damage
- Root Cause not listed (Comment required): \_\_\_\_\_

## A19. Local Time OF CONFIRMED DISCOVERY

A19. Local time of confirmed discovery

A20a. Local time (24-hr clock) and date of initial operator report to the National Response Center :

A20b. Initial Operator National Response Center Report Number \_\_\_\_\_ OR  
 NRC Notification Required But Not Made

A20c. Additional NRC Report numbers submitted by the operator: \_\_\_\_\_

A21. Did the gas ignite?  Yes  No  
If A21 = Yes, then answer A21a through d:

A21a. Local time of ignition

A21b. How was the fire extinguished?  
 Operator/Contractor  Local/State/Federal Emergency Responder  Allowed to burn out  Other, specify: \_\_\_\_\_

A21c. Estimated volume of gas consumed by fire (mcf): \_\_\_\_\_ (must be less than or equal to A7.)

A21d. Did the gas explode?  Yes  No

If A14. Is "Onshore Pipeline, Including Valve Sites" OR "Offshore Pipeline, Including Riser and Riser Bend", answer A22a through f

A22a. Initial action taken to control flow upstream of failure location  Valve Closure  Operational Control - mandatory text field  
If Valve Closure, answer A22.b and c:

A22b. Local time of final upstream valve closure

A22c. Type of upstream valve used to complete upstream isolation of release source:  
 Manual  Automatic  Remotely Controlled

A22d. Initial action taken to control flow downstream of failure location  Valve Closure  Operational Control - mandatory text field  
If Valve Closure, answer A22e and f:

A22e. Local time of final downstream valve closure

A22f. Type of downstream valve used to complete downstream isolation of release source:  
 Manual  Automatic  Remotely Controlled  Check Valve

A23. Number of general public evacuated:

# Incident Report - Gas Transmission, Gas Gathering, and Underground Natural Gas Storage Facilities

G3 – Excavation Damage - only one sub-cause can be picked from shaded left-hand column

Excavation Damage by Operator (First Party)

Excavation Damage by Operator's Contractor (Second Party)

Excavation Damage by Third Party

Previous Damage due to Excavation Activity

Complete the following if any Excavation Damage sub-cause is selected.

1. Did the operator get prior notification of the excavation activity?  Yes  No
  - 1a. If Yes, Notification received from: (select all that apply)  One-Call System  Excavator  Contractor  Landowner
  - 1b. Per the primary Incident Investigator results, did State law exempt the excavator from notifying the one-call center?  Yes  No
- Unknown  
If yes, answer 1c. through 1e.
  - 1c. select one of the following:
    - Excavator is exempt
    - Activity is exempt and did not exceed the limits of the exemption
    - Activity is exempt and exceeded the limits of the exemption
    - Other mandatory text field: \_\_\_\_\_
  - 1d. Exempting authority \_\_\_\_\_
  - 1e. Exempting criteria \_\_\_\_\_
2. Do you want PHMSA to upload the following information to CGA-DIRT ([www.cga-dirt.com](http://www.cga-dirt.com))?  Yes  No
3. Right-of-Way where event occurred: (select all that apply)
  - Public  Specify:  City Street  State Highway  County Road  Interstate Highway  Other
  - Private  Specify:  Private Landowner  Private Business  Private Easement
  - Pipeline Property/Easement
  - Power/Transmission Line
  - Railroad
  - Dedicated Public Utility Easement
  - Federal Land
  - Unknown/Other
4. Was the facility part of a Joint Trench?  Yes  No
5. Did this event involve a Cross Bore?  Yes  No
6. Measured Depth from Grade: (select only one)
  - Embedded in Concrete/Asphalt Pavement  <18"  18" – 36"
  - >36"  Measured depth From Grade In Inches: \_\_\_\_\_
7. Type of excavator: (select only one)
  - Contractor  County  Developer  Farmer  Municipality  Occupant
  - Railroad  State  Utility  Unknown/Other
8. Type of excavation equipment: (select only one)
  - Auger  Backhoe/Trackhoe  Boring  Drilling  Directional Drilling
  - Explosives  Farm Equipment  Grader/Scraper  Hand Tools  Milling Equipment
  - Probing Device  Trencher  Vacuum Equipment  Bulldozer  Unknown/Other
9. Type of work performed: (select only one)
  - Agriculture  Cable TV  Curb/Sidewalk  Building Construction  Building Demolition
  - Drainage  Driveway  Electric  Engineering/Surveying  Fencing
  - Grading  Irrigation  Landscaping  Liquid Pipeline  Milling
  - Natural Gas  Pole  Public Transit Authority  Railroad Maintenance  Road Work
  - Sewer (Sanitary/Storm)  Site Development  Steam  Storm Drain/Culvert  Street Light
  - Telecommunications  Traffic Signal  Traffic Sign  Water  Waterway Improvement
  - Unknown/Other

4. Was the facility part of a joint trench?  
5. Did this event involve a Cross Bore?





# Gas Distribution Annual Report F7100.1-1

## Part D

PART D – EXCAVATION DAMAGE			
Notification Issue sub-Total	<i>calc</i>	Locating Issue sub-Total	<i>calc</i>
No notification made to the One-Call Center/811		Facility not marked due to Abandoned facility	
Excavator dug outside area described on ticket		Facility not marked due to Incorrect facility records/maps	
Excavator dug prior to valid start date/time		Facility not marked due to Locator error	
Excavator dug after valid ticket expired		Facility not marked due to No response from operator/contract locator	
Excavator provided incorrect notification information		Facility not marked due to Incomplete marks at damage location	
		Facility not marked due to Tracer wire issue	
<b>Excavation Issue sub-Total</b>	<i>calc</i>	Facility not marked due to Unlocatable Facility	
Excavator dug prior to verifying marks by test-hole (pothole)		Facility marked inaccurately due to Abandoned facility	
Excavator failed to maintain clearance after verifying marks		Facility marked inaccurately due to Incorrect facility records/maps	
Excavator failed to protect/shore/support facilities		Facility marked inaccurately due to Locator error	
Improper backfilling practices		Facility marked inaccurately due to Tracer wire issue	
Marks faded or not maintained			
Improper excavation practice not listed above			
<b>Miscellaneous Root Causes sub-Total</b>	<i>calc</i>		
Deteriorated facility			
One Call Center Error			
Previous damage		<b>1. Total Excavation Damages</b>	<i>calc</i>
Root Cause not listed		<b>2. Number of Excavation Tickets</b>	

# Natural and Other Gas Transmission and Gathering Pipeline Systems Annual Report

PART F - INTEGRITY INSPECTIONS CONDUCTED AND ACTIONS TAKEN BASED ON INSPECTION	
<b>1. MILEAGE INSPECTED IN CALENDAR YEAR USING THE FOLLOWING IN-LINE INSPECTION (ILI) TOOLS</b>	
a. Corrosion or metal loss tools	
b. Dent or deformation tools	
c. Crack or long seam defect detection tools	
d. Any other internal inspection tools, specify other tools:	
e. Total tool mileage inspected in calendar year using in-line inspection tools. (Lines a + b + c + d)	<i>Calc</i>
<b>2. ACTIONS TAKEN IN CALENDAR YEAR BASED ON IN-LINE INSPECTIONS</b>	
a. Based on ILI data, total number of anomalies excavated in calendar year because they met the operator's criteria for excavation.	
b. Total number of anomalies repaired in calendar year that were identified by ILI based on the operator's criteria, within an HCA Segment, within a §192.710 Segment, and outside of an HCA or §192.710 Segment.	
c. Total number of conditions repaired WITHIN AN HCA SEGMENT meeting the definition of:	<i>Calc</i>
1. "Immediate repair conditions" [192.933(d)(1)]	
2. "One-year conditions" [192.933(d)(2)]	
3. "Monitored conditions" [192.933(d)(3)]	
4. Other "Scheduled conditions" [192.933(c)]	
d. Total number of conditions repaired WITHIN A §192.710 SEGMENT:	<i>Calc</i>
1. "Immediate repair conditions" [192.714(d)(1)]	
2. "Two-Year conditions" [192.714(d)(2)]	
3. "Monitored conditions" [192.714(d)(3)]	
e. Total number of conditions repaired WITHIN A CLASS LOCATION 3 OR 4 AND neither HCA nor §192.710 SEGMENT:	
f. Total number of conditions repaired WITHIN A CLASS LOCATION 1 OR 2 AND neither HCA nor §192.710 SEGMENT:	

- Applies to Part F
  - Sections 2D, 4D, 4.2D, 5D
  - d. Total number of conditions repaired WITHIN A §192.710 SEGMENT:
    - 1. "Immediate repair conditions" [192.714(d)(1)]
    - 2. "Two-Year conditions" [192.714(d)(2)]
    - 3. "Monitored conditions" [192.714(d)(3)]

# Natural and Other Gas Transmission and Gathering Pipeline Systems Annual Report

4.1 MILEAGE INSPECTED AND ACTIONS TAKEN IN CALENDAR YEAR BASED ON GUIDED WAVE ULTRASONIC TESTING (GWUT)	
a. Total mileage inspected by GWUT method in calendar year.	
b. Total number of anomalies identified by GWUT method and repaired in calendar year based on the operator's criteria, within an HCA Segment, within a §192.710 Segment, and outside of an HCA or §192.710 Segment.	
c. Total number of conditions repaired in calendar year WITHIN AN HCA SEGMENT meeting the definition of:	<i>Calc</i>
2. "6-Month conditions" [192 Appendix F, Section XIX]	
3. "12-Month conditions" [192 Appendix F, Section XIX]	
d. Total number of conditions repaired WITHIN A §192.710 SEGMENT:	<i>Calc</i>
2. "6-Month conditions" [192 Appendix F, Section XIX]	
3. "12-Month conditions" [192 Appendix F, Section XIX]	
e. Total number of conditions repaired WITHIN A CLASS LOCATION 3 OR 4 AND neither HCA nor §192.710 SEGMENT:	
f. Total number of conditions repaired WITHIN A CLASS LOCATION 1 OR 2 AND neither HCA nor §192.710 SEGMENT:	

- Applies to Part F

- 4.1D

- d. Total number of conditions repaired WITHIN A §192.710 SEGMENT:

- 1. "Immediate repair conditions" [192.714(d)(1)]
- 2. "Two-Year conditions" [192.714(d)(2)]
- 3. "Monitored conditions" [192.714(d)(3)]

# Natural and Other Gas Transmission and Gathering Pipeline Systems Annual Report

## PART M4 – GAS TRANSMISSION EXCAVATION DAMAGE

<b>Notification Issue sub-Total</b>	<i>calc</i>	<b>Locating Issue sub-Total</b>	<i>calc</i>
No notification made to the One-Call Center/811		Facility not marked due to Abandoned facility	
Excavator dug outside area described on ticket		Facility not marked due to Incorrect facility records/maps	
Excavator dug prior to valid start date/time		Facility not marked due to Locator error	
Excavator dug after valid ticket expired		Facility not marked due to No response from operator/contract locator	
Excavator provided incorrect notification information		Facility not marked due to Incomplete marks at damage location	
		Facility not marked due to Tracer wire issue	
<b>Excavation Issue sub-Total</b>	<i>calc</i>	Facility not marked due to Unlocatable Facility	
Excavator dug prior to verifying marks by test-hole (pothole)		Facility marked inaccurately due to Abandoned facility	
Excavator failed to maintain clearance after verifying marks		Facility marked inaccurately due to Incorrect facility records/maps	
Excavator failed to protect/shore/support facilities		Facility marked inaccurately due to Locator error	
Improper backfilling practices		Facility marked inaccurately due to Tracer wire issue	
Marks faded or not maintained			
Improper excavation practice not listed above			
<b>Miscellaneous Root Causes sub-Total</b>	<i>calc</i>		
Deteriorated facility			
One Call Center Error			
Previous damage		<b>1. Total Excavation Damages</b>	<i>calc</i>
Root Cause not listed		<b>2. Number of Excavation Tickets</b>	

Applies to:

Part M4 Gas Transmission Excavation Damage  
Part M5 Gas Gathering Excavation Damage

# Natural and Other Gas Transmission and Gathering Pipeline Systems Annual Report

- Gas Transmission and Gas Gathering Instructions are currently being reviewed and updated for new annual report changes.
- Watch for changes coming to Part Q MAOP Determination Method as a result of the 2019 Gas Rule and the new requirements in 49 CFR Part 192.624.

# 190.223 Maximum Penalties

- (a) Any person found to have violated a provision of 49 U.S.C. 60101, et seq., or any regulation in 49 CFR parts 190 through 199, or order issued pursuant to 49 U.S.C. 60101, et seq. or 49 CFR part 190, is subject to an administrative civil penalty not to exceed \$266,015 for each violation for each day the violation continues, with a maximum administrative civil penalty not to exceed \$2,660,135 for any related series of violations.
- (b) Any person found to have violated a provision of 33 U.S.C. 1321(j), or any regulation or order issued thereunder, is subject to an administrative civil penalty under 33 U.S.C. 1321(b)(6), as adjusted by 40 CFR 19.4.
- (c) Any person found to have violated any standard or order under 49 U.S.C. 60103 is subject to an administrative civil penalty not to exceed \$97,179, which may be in addition to other penalties to which such person may be subject under paragraph (a) of this section.
- (d) Any person who is determined to have violated any standard or order under 49 U.S.C. 60129 is subject to an administrative civil penalty not to exceed \$1,544, which may be in addition to other penalties to which such person may be subject under paragraph (a) of this section.
- (e) Separate penalties for violating a regulation prescribed under this subchapter and for violating an order issued under §§ 190.206, 190.213, 190.233, or 190.239 may not be imposed under this section if both violations are based on the same act.

# Gas Property Damage Reporting Threshold Inflation Adjustment

<b>Year</b>	<b>Effective Dates</b>	<b>Threshold</b>
2023	July 1, 2023 through June 30, 2024	\$139,700
2022	July 1, 2022 through June 30, 2023	\$129,300
2021	March 3, 2021 through June 30, 2022	\$122,000

**STATES PARTICIPATING IN THE FEDERAL/STATE  
COOPERATIVE GAS AND HAZARDOUS LIQUID  
PIPELINE SAFETY PROGRAMS**

**NATURAL GAS PROGRAM**

**State Agencies Under Section 60105(a) Certification (51)**

Alabama	Louisiana	Ohio
Arizona	Maine	Oklahoma
Arkansas PSC	Maryland	Oregon
Arkansas Oil and Gas	Massachusetts	Pennsylvania
California PUC <sup>1</sup>	Michigan	Puerto Rico
Colorado <sup>9</sup>	Minnesota	Rhode Island
Connecticut	Mississippi	South Carolina
Delaware	Missouri <sup>2</sup>	South Dakota
District of Columbia	Montana	Tennessee
Florida PSC <sup>3</sup>	Nebraska	Texas
Georgia	Nevada	Utah
Idaho	New Hampshire	Vermont
Illinois	New Jersey	Virginia <sup>4</sup>
Indiana	New Mexico	Washington
Iowa	New York	West Virginia
Kansas	North Carolina	Wisconsin <sup>5</sup>
Kentucky	North Dakota	Wyoming

**State Agencies Under Section 60106(a) Agreement (3)**

California Public Utilities Commission (Municipal operators)  
Colorado Public Utilities Commission (Municipal operators)  
Virginia State Corporation Commission (Municipal operators)

**State Agencies Acting as Interstate Agents (8)**

Arizona	Michigan	Ohio
Connecticut	Minnesota	Washington
Iowa	New York	

<sup>1</sup> California PUC does not exercise jurisdiction over operators of non-utility owned intrastate gas transmission pipelines, gathering pipelines, any offshore facilities and Master Meter facilities that do not serve Mobile Home Parks. California PUC has a 60106 agreement for oversight of operators of Municipal facilities.

<sup>2</sup> Missouri PSC does not exercise jurisdiction over LPG operators

<sup>3</sup> Florida PSC does not exercise jurisdiction over LPG operators

<sup>4</sup> Virginia SCC has a 60106 agreement for oversight of operators of Municipal facilities

<sup>5</sup> Wisconsin does not exercise jurisdiction over LPG operators

<sup>6</sup> Colorado PUC has a 60106 agreement for oversight of operators of Municipal facilities

# Pipeline Certification

- A **60105 Certification** allows a state entity with safety authority over intrastate underground natural gas storage to inspect and enforce the federal underground storage regulations in addition to any state regulations that are more stringent than the federal regulations for those intrastate natural gas storage facilities within the state. To obtain a 60105 Certification a state entity must annually Certify to PHMSA it:

# 60105 Certification

1. State entity has regulatory jurisdiction over the standards and practices for underground storage facilities - *this means the State Law gives the State Entity safety authority for the downhole underground storage facilities.*
2. State entity has adopted, by the date of certification, the minimum federal regulations regarding underground storage or, if the regulations are published not later than 120 days before certification, is taking steps to adopt those regulations - *this means if the federal regulations are published before June 2, 2017, the State must have adopted them into State Law by September 30, 2017. State Entities would need to adopt the federal regulations applicable to natural gas underground storage (192.3, 192.7, 192.12, and Part 199.)*

# 60105 Certification

3. State entity will inspect and enforce the minimum federal regulations for underground storage that include inspections conducted by State employees meeting the qualifications established by PHMSA - *PHMSA will develop training and qualifications over time and will provide a state ample time to accomplish them for inspectors to maintain certification.*
4. State entity is encouraging and promoting the establishment of a program designed to prevent damage by demolition, excavation, tunneling, or construction activity to the underground storage pipeline facilities that subjects persons who violate the applicable requirements of that program to civil penalties and other enforcement actions that are substantially the same as are provided under this chapter, and addresses the elements in section 60134(b) - *the state entity would need to encourage and support a state excavation damage prevention program by posting "call before you dig" information on websites, attending contractor meetings, supporting excavation damage prevention legislation as examples of encouraging and promoting.*

# 60105 Certification

5. State entity may require record maintenance, reporting, and inspection substantially the same as provided under section 60117 of this title - *this means the state entity can require an operator to provide records, provide reports, and have authority to conduct inspections and investigations as necessary.*
6. State entity may require that plans for inspection and maintenance under section 60108 (a) and (b) of this title be filed for approval – *this means the state entity must be able to require the operator to submit operation and maintenance plans and require the amendment of the plans as necessary.*

# 60105 Certification

7. State entity may enforce safety standards of the authority under a law of the State by injunctive relief and civil penalties substantially the same as provided under sections 60120 and 60122(a)(1) and (b) (f) of this title - *this means the state must have the ability to issues civil penalties and order injunctive relief as necessary.*

# 60106 Agreement

A **60106 Agreement** allows a state entity to conduct inspections of intrastate underground natural gas storage facilities for compliance with the federal underground storage regulations; however, identified potential violations must be forwarded to PHMSA to take enforcement action. A state may inspect and enforce any state regulations which are more stringent than the federal regulations. This Agreement allows a state entity to participate in the PHMSA safety program while they are working to obtain the appropriate safety authorities and adopt our applicable federal regulations to underground storage facilities. States with a 60106 Agreement may participate in PHMSA's grant for underground storage. To enter into an Agreement with PHMSA for the inspection of intrastate underground storage facilities a state entity must:

# 60106 Agreement

1. establish an adequate program for record maintenance, reporting, and inspection designed to assist compliance with applicable safety standards prescribed under this chapter; and
2. prescribe procedures for approval of plans of inspection and maintenance substantially the same as required under section 60108 (a) and (b) of this title.

Questions?

Comments?

Concerns?