



Nebraska Title 155 Proposed Changes

Title 155 Update

We know there was confusion, and concern with the previous Title 155 Public Hearing. Since Title 155 was pulled from Public Hearing, we took the time to review the comments we received, and have made some changes to the proposed language.

We hope that us presenting our changes to you will open the dialog between the Nebraska State Fire Marshal Agency and the operators in Nebraska.

This is an open conversation, and we want to hear your opinions and concerns.

The safety of the customers and residents in the State of Nebraska is a joint effort.

What is Title 155

Nebraska Administrative Code Title 155, Chapter 1 are the regulations prescribed by Nebraska State Fire Marshal pursuant to the Nebraska Natural Gas Pipeline Act of 1969. Chapter 2 are the Requirements for Statewide One-Call Notification Center pursuant to Nebraska's One-Call Notification System Act.

Title 155 – Chapter 1

Chapter 1 are the regulations applicable to natural gas operators that are under the jurisdiction of the Nebraska State Fire Marshal.

Title 155 – Chapter 1 - 001

Currently, Nebraska has adopted 49 CFR Parts 191, 192, 193, and 199, amended as of June 14, 2013.

Nebraska has proposed to adopt the most recent changes, as of February 1st, 2019, as well as adopt 49 CFR Part 196.

These adoptions are required by our USC 60105 agreement with PHMSA.

Title 155 – Chapter 1 - 002

Section 2 requires notification of certain events that the Nebraska State Fire Marshal has identified as state incidents or events.

While the Nebraska State Fire Marshal, Pipeline Safety Section will determine which notifications require immediate response, the operator is still responsible for prompt notification.

Title 155 – Chapter 1 - 002

Currently – Natural gas operators have 2 hours, or as soon as practical, to notify the Nebraska State Fire Marshal, Pipeline Safety Section of reportable incidents identified in Paragraph 002.

Title 155 – Chapter 1 - 002

On January 23, 2017, PHMSA released Final Rule 82 FR 7972, which changed the federal incident reporting time period in §191.5 to:

“At the earliest practicable moment following discovery, but no later than one hour after confirmed discovery, each operator must give notice in accordance with paragraph (b) of this section of each incident as defined in § 191.3.”

Title 155 – Chapter 1 - 002

Nebraska has proposed to adopt this language for reporting state reportable incidents or events to ensure transparency and compliance with federal regulations.

So what does Confirmed Discovery mean?

Title 155 – Chapter 1 - 002

CONFIRMED DISCOVERY (§191.3)

Means when it can be reasonably determined, based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation.

Title 155 – Chapter 1 - 002

Who to call?

To report a state incident or event contact the Nebraska State Fire Marshal, Pipeline Safety Section at (402) 471-2027, or the normal Pipeline Safety Deputy you work with.

If you cannot contact your normal Deputy, follow the call tree to speak with another Deputy.

Title 155 – Chapter 1 – 002.01

What is a Reportable Incident?

Reportable incidents, either before or past the meter are: An event that involves a release of gas from a pipeline or a release from an LNG facility that results in one or more of the following consequences:

Title 155 – Chapter 1 – 002.01

What is a Reportable Incident?

002.01A – A death or personal injury necessitating in-patient hospitalization; or

Title 155 – Chapter 1 – 002.01

What is a Reportable Incident?

002.01B – Estimated property damage of \$50,000.00 or more, including loss to the operator **AND OTHERS**, or both: but excluding cost of gas lost; or

Title 155 – Chapter 1 – 002.01

What is a Reportable Incident?

002.01C – Unintentional estimated gas loss of three million cubic feet or more

Title 155 – Chapter 1 – 002.01

What is a Reportable Incident?

002.01D – An event that results in an emergency shutdown of an LNG facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident.

Title 155 – Chapter 1 – 002.01

What is a Reportable Incident?

002.01E – Any failure which results in the explosion or ignition of natural gas.

Title 155 – Chapter 1 – 002.01

What is a Reportable Incident?

002.01F – Within 48 hours after the confirmed discovery of an incident, to the extent practicable, an operator must revise or confirm its initial telephonic notice required in paragraph (002.01) of this section with an estimate of the amount of product released, an estimate of the number of fatalities and injuries, and all other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages. If there are no changes or revisions to the initial report, the operator must confirm the estimates in its initial report.

Title 155 – Chapter 1 – 002.02

What is a Reportable Event?

002.02 – Events that occur before the meter that require notification to the Nebraska State Fire Marshal, Pipeline Safety Division include;

Title 155 – Chapter 1 – 002.02

What is a Reportable Event?

002.02A – An event that results in a natural gas release due to over-pressure, excavation damage, outside force damage, or natural force damage.

Title 155 – Chapter 1 – 002.02

What is a Reportable Event?

002.02B – An event that has or will interrupt natural gas service to 20 or more customers. This does not include scheduled or planned maintenance.

Title 155 – Chapter 1 – 002.02

What is a Reportable Event?

002.02C – An event related to a natural gas release that results in the evacuation of:

Title 155 – Chapter 1 – 002.02

What is a Reportable Event?

002.02C – An event related to a natural gas release that results in the evacuation of:

002.02C1 Four or more single family residences; or

Title 155 – Chapter 1 – 002.02

What is a Reportable Event?

002.02C An event related to a natural gas release that results in the evacuation of:

002.02C2 One or more multi-family dwelling; or

Title 155 – Chapter 1 – 002.02

What is a Reportable Event?

002.02C An event related to a natural gas release that results in the evacuation of:

002.02C3 Any evacuation of business, public building or public gathering.

Title 155 – Chapter 1 – 002.02

What is a Significant Event?

An event that is significant in the judgment of the operator that could affect the daily operations of the pipeline, safety of the public or operator personnel, even though it does not meet the criteria of 002.01 or 002.02.

Title 155 – Chapter 1 – 003

Federal Reports

Each report required by Title 49 of the Code of Federal Regulations, Part 191 adopted herein shall be submitted in duplicate to the Nebraska State Fire Marshal Pipeline Safety Division.

Title 155 – Chapter 1 – 003

Federal Reports

Notice of Incidents (§191.5 / Title 155 002.01)

Incident Reports (§191.9 / §191.13)

Annual Reports (§191.11 / §191.15 / Title 155 003.01)

Mechanical Fitting Failures (§191.12)

OPID Notification and Changes (§191.21)

Safety Related Condition Reports (§191.23 / §191.25)

Title 155 – Chapter 1 – 003.01

Annual Reports

One copy of the annual report submitted pursuant to 003 above will be transmitted to the Pipeline and Hazardous Materials Safety Administration and to the Nebraska State Fire Marshal no later than March 15, for data from the preceding calendar year.

Title 155 – Chapter 1 – 004

Annual Reports

One copy of the annual report submitted pursuant to 003 above will be transmitted to the Pipeline and Hazardous Materials Safety Administration and to the Nebraska State Fire Marshal no later than March 15, for data from the preceding calendar year.

Title 155 – Chapter 1 – 004

Annual Reports

One copy of the annual report submitted pursuant to 003 above will be transmitted to the Pipeline and Hazardous Materials Safety Administration and to the Nebraska State Fire Marshal no later than March 15, for data from the preceding calendar year.

Title 155 – Chapter 1 – 004

Procedures, Plans, Programs, and Maps

One hundred eighty (180) days after the effective date of this rule each operator shall provide the following documents to the Nebraska State Fire Marshal Pipeline Safety Division in an acceptable digital format, unless the operator can show cause to provide these documents in another format as follows:

Title 155 – Chapter 1 – 004.01

Procedures, Plans, Programs, and Maps

The following procedures, plans and programs shall be submitted annually: Operations and Maintenance Procedures, Emergency Plans, Damage Prevention, and

Title 155 – Chapter 1 – 004.02

Procedures, Plans, Programs, and Maps

Operation maps for distribution and transmission systems shall be submitted every five (5) years or as requested.

Title 155 – Chapter 1 – 004.02

Operation Maps

The maps provided to the Nebraska State Fire Marshal should provide the following details:

Approximate Location (Alley, street, right-of-way, etc.)

Material (Steel or Plastic) and Size

Location of Town Border and Pressure Regulation Stations

Title 155 – Chapter 1 – 004.02

Operation Maps

The maps provided to the Nebraska State Fire Marshal don't need to provide the following details:

Measurements relevant to locating

Valve Locations

Cathodic Information

Service Lines

Title 155 – Chapter 1 – 004.02

Operation Maps

Operation maps include the transmission lines and distribution mains for town distribution systems, transmission segments, and any distribution system that comes off a transmission segment, that delivers natural gas to multiple customers from one take-off.

Title 155 – Chapter 1 – 005

Variance for Digital Formats

If a gas operator cannot provide digital copies of the documents required in Paragraph 004 of this chapter, the gas operator shall make a written request to the Nebraska State Fire Marshal Pipeline Safety Section for approval of alternate submission methods.

Title 155 – Chapter 1 – 005

Digital Formats accepted

We can access and view the following formats:

Adobe PDF (.pdf)

Microsoft Word (.doc, .docx)

Microsoft Excel (.xls, .xlsx)

Microsoft Powerpoint (.ppt, .pptx)

TIFF Files (.tif)

JPEG or Images (.jpg, .png, .bmp)

Title 155 – Chapter 1 – 006

Change in Ownership or Provider ship

Within seven (7) calendar days of the intent of a gas operator to change ownership of a natural gas system, or a gas operator change in operational or maintenance provider ship, the gas operator shall give notice to the Nebraska State Fire Marshal Pipeline Safety Section.

QUESTIONS AND COMMENTS?

These are the changes that the Nebraska State Fire Marshal will propose. A Notice of Public Hearing will be requested in the near future. When the notice is issued, we ask that operators review the proposed changes to Title 155, and either submit written suggestions, or plan to have a representative attend the hearing in person.

We will also provide more time on Thursday for more questions and comments.