

ITEM NO. CA16

PUBLIC UTILITY COMMISSION OF OREGON
AHD REPORT
PUBLIC MEETING DATE: May 17, 2016

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: May 4, 2016

TO: Public Utility Commission

FROM: Diane Davis *ddd*

THROUGH: Michael Grant *MG*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION ADMINISTRATIVE HEARINGS DIVISION: (Docket No. AR 596) Adopts federal pipeline safety regulation amendments.

AHD RECOMMENDATION:

Adopt the rule modifications as proposed.

DISCUSSION:

Per ORS 757.039(3), the Commission has agreements with United States Department of Transportation (USDOT) to enforce federal pipeline safety regulations pertaining to pipeline facilities in Oregon. As a condition of those agreements, the Commission must annually certify to USDOT that the Commission adopted or is in the process of adopting all current federal pipeline safety regulations applicable to intrastate gas pipelines and liquefied natural gas facilities. The federal amendments being adopted are from the Code of Federal Regulations, CFR Title 49, Part 192 (amendments through No. 119), Part 193 (amendments through No. 25), and Part 199 (amendments through No. 26).

PROPOSED COMMISSION MOTION:

Adopt the modifications to the rules as set forth in Appendix A of the attached draft order.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 596

In the Matter of a Rulemaking to Adopt
Federal Pipeline Safety Regulation
Amendments.

ORDER

DISPOSITION: MODIFICATIONS TO RULES ADOPTED

This proceeding was convened to update the Commission's gas safety rules to be current with the federal gas pipeline safety regulations and to comply with US Department of Transportation (USDOT) certification requirements. Per ORS 757.039(3), the Commission has agreements with USDOT to enforce federal pipeline safety regulations pertaining to pipeline facilities in Oregon. As a condition of those agreements, the Commission must annually certify to USDOT that the Commission adopted or is in the process of adopting all current federal pipeline safety regulations applicable to intrastate gas pipelines and liquefied natural gas facilities. The federal amendments being adopted are from the Code of Federal Regulations, CFR Title 49, Part 192 (amendments through No. 119), Part 193 (amendments through No. 25), and Part 199 (amendments through No. 26).

On March 10, 2016, we filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact with the Secretary of State. On March 11, 2016, notice was provided to all interested persons on the service lists maintained pursuant to OAR 860-001-0030(1)(b) and to certain legislators specified in ORS 183.335(1)(d). Notice of the rulemaking was published in the April 2016 *Oregon Bulletin*.

As specified in the notice, the deadline for filing written comments was close of business, April 22, 2016. No written comments were received. The proposed modifications to OAR 860-024-0020 and 860-024-0021 should be adopted.

ORDER

IT IS ORDERED that:

1. The modifications to Oregon Administrative Rules 860-024-0020 and 860-024-0021, as shown in Appendix A, are adopted.
2. The rule changes become effective upon filing with the Secretary of State.

Made, entered, and effective _____.

Susan K. Ackerman
Chair

John Savage
Commissioner

Stephen M. Bloom
Commissioner

A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

Gas

860-024-0020

Gas Pipeline Safety

Every gas operator must construct, operate, and maintain natural gas and other gas facilities in compliance with the standards prescribed by:

(1) 49 CFR, Part 191, and amendments through No. 22 — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on April 4, 2011.

(2) 49 CFR, Part 192, and amendments through No. ~~117119~~ — Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards in effect on ~~August 15, 2011~~ March 6, 2015.

(3) 49 CFR, Part 199, and amendments through No. ~~2526~~ — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on ~~February 17, 2009~~ March 6, 2015.

(4) 49 CFR, Part 40, and amendments through No. 29 – Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on October 3, 2012.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 757.039

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 172, f. & ef. 1-14-76 (Order No. 76-036); PUC 180, f. 4-8-77, ef. 5-1-77 (Order No. 77-232); PUC 2-1978, f. & ef. 3-16-78 (Order No. 78-158); PUC 6-1980, f. & ef. 10-22-80 (Order No. 80-777); PUC 3-1981, f. & ef. 6-4-81 (Order No. 81-361); PUC 12-1984, f. & ef. 6-5-84 (Order No. 84-424); PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 4-1986, f. & ef. 5-5-86 (Order No. 86-456); PUC 11-1987, f. & ef. 10-8-87 (Order No. 87-861); PUC 16-1989, f. & cert. ef. 11-22-89 (Order No. 89-1529); PUC 8-1992, f. & ef. 5-13-92 (Order Nos. 92-618 & 92-677); PUC 14-1994, f. & ef. 10-20-94 (Order No. 94-1533); PUC 9-1998, f. & ef. 4-28-98 (Order No. 98-169); PUC 19-1998, f. & ef. 11-18-98 (Order No. 98-468); PUC 22-2003, f. & ef. 11-28-03 (Order No. 03-666); PUC 3-2005, f & ef. 06-03-05 (Order No. 05-722); PUC 9-2007, f. & ef. 9-10-07 (Order No. 07-386); PUC 5-2009, f. & cert. ef. 5-5-09 (Order No. 09-156); PUC 2-2011, f. & ef. 05-04-11 (Order No. 11-145); PUC 4-2013, f. & cert. ef. 5-30-13 (Order No. 13-188)

860-024-0021

Liquefied Natural Gas Safety

Every gas operator must construct, operate, and maintain liquefied natural gas facilities in compliance with the standards prescribed by:

(1) 49 CFR, Part 191, and amendments through No. 22 — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on April 4, 2011.

(2) 49 CFR, Part 193, and amendments through No. ~~2325~~ — Liquefied Natural Gas Facilities; Minimum Safety Standards in effect on ~~November 26, 2010~~ March 6, 2015.

(3) 49 CFR, Part 199, and amendments through No. ~~2526~~ — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on ~~February 17, 2009~~ **March 6, 2015**.

(4) 49 CFR, Part 40, and amendments through No. 29 – Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on October 3, 2012.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 757.039

Hist.: PUC 3-1981, f. & ef. 6-4-81 (Order No. 81-361); PUC 12-1984, f. & ef. 6-5-84 (Order No. 84-424); PUC 4-1986, f. & ef. 5-5-86 (Order No. 86-456); PUC 11-1987, f. & ef. 10-8-87 (Order No. 87-861); PUC 16-1989, f. & cert. ef. 11-22-89 (Order No. 89-1529); PUC 8-1992, f. & ef. 5-13-92 (Order Nos. 92-618 & 92-677); PUC 14-1994, f. & ef. 10-20-94 (Order No. 94-1533); PUC 9-1998, f. & ef. 4-28-98 (Order No. 98-169); PUC 19-1998, f. & ef. 11-18-98 (Order No. 98-468); PUC 22-2003, f. & ef. 11-28-03 (Order No. 03-666); PUC 3-2005, f & ef. 06-03-05 (Order No. 05-722); PUC 9-2007, f. & ef. 9-10-07 (Order No. 07-386); PUC 5-2009, f. & cert. ef. 5-5-09 (Order No. 09-156); PUC 2-2011, f. & cert. ef. 05-04-11 (Order No. 11-145); PUC 4-2013, f. & cert. ef. 5-30-13 (Order No. 13-188)