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MEMORANDUM

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Arizona Corporation Commission

2002 MAR -1 P 2: 5b

DOCKETED

TO: THE COMMISSION

MAR 01 2002

FROM: Utilities Division

AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: March 1, 2002

DOCKETED BY 

RE: IN THE MATTER OF PROPOSED AMENDMENTS TO OFFICE OF PIPELINE SAFETY RULES REGARDING TRANSPORTATION OF NATURAL GAS, OTHER GASES AND HAZARDOUS LIQUIDS BY PIPELINES. (DOCKET NO. RG-00000A-00-0548)

Staff of the Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission") respectfully requests that the Commission approve the changes to the amended proposed Pipeline Safety Rules (A.A.C. R14-5-201 through A.A.C. R14-5-205) put forth by the Arizona Attorney General's (AAG's) Office. Staff believes that such changes are non-substantive in nature.

PROCEDURAL HISTORY

On March 30, 2001, Commission Decision No. 63517 approved the proposed amendments to the Pipeline Safety Rules (A.A.C. R14-5-201 through A.A.C. R14-5-205), the purpose of which was to conform these rules to the most recent amendments to the Federal Pipeline Safety Regulations.

The Decision did not grant Staff the authority to make non-substantive changes to the rules as attached to Decision No. 63517 to obtain certification. Specifically, the AAG's Office has requested that the Commission make the following kinds of changes:

1. The first proposed group of changes will reflect the fact that copies of regulations, reports, manuals, and other pipeline materials are available, whenever incorporated by reference, from the Commission.
2. The second proposed group of changes involves replacing dates to accurately refer to the most recent federal rules.
3. The third proposed group of changes adds a citation, 49 CFR 192, Appendix A, to clarify the source of a standard referred to in the rules.
4. The final change adds clarifying language to the last sentence in A.A.C. R14-5-202(H) regarding the abandonment process.

The specific amendments proposed by the AAG's Office are set forth in Attachment A.

ANALYSIS

The first proposed group of changes will reflect the fact that copies of regulations, reports, manuals and other pipeline materials are available, whenever incorporated by reference, from the Commission Office of Pipeline Safety, 1200 West Washington Street, Phoenix, Arizona 85007 at A.A.C R14-5-201(11); A.A.C. R14-5-202(B), (E)(1) and (2), (J), (K), (P), (R); A.A.C.

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R14-5-203(C)(2)(a) and (b), (C)(3); A.A.C. R14-5-204(A)(1) and (2); and R14-5-205(B), (G), (J), and (O). The AAG's Office believes that such a provision is necessary to conform with A.R.S. § 41-1028, which requires that any material, incorporated by a rule, be made available from the agency issuing the rule. While Staff believes that the rules as passed in Decision No. 63517 meet the requirements of A.R.S. § 41-1028, no problem exists in accommodating the AAG's request. This change does not substantively change the Rules and would merely provide another location by which a copy of incorporated rules would be obtainable. Changes to A.A.C. R14-5-205(P) were made to make the language there consistent with the proposed changes here.

The second proposed group of changes involves replacing the date of "July 13, 1998" with "March 1, 2000" in A.A.C. R14-5-202(K) and A.A.C. R14-5-205(G), and replacing "December 14, 1999" with "March 1, 2000" in A.A.C. R14-5-205(B). The change would reflect the passage of the most recent federal rules on March 1, 2000. The federal rules adopted on March 1, 2000, are still in effect at present and incorporate the changes made to the respective portions of the federal rules on July 13, 1998 and December 14, 1999. The AAG's Office changes here would not substantively change the Commission's rules and would reflect the most recent review of the federal rules.

The third proposed group of changes adds the citation, 49 CFR 192, appendix A, after API Standard 1104 under both A.A.C. R14-5-202(Q) and A.A.C. R14-5-202(K). Adding this citation is giving a reference to where the API Standard 1104 is available in the federal regulations.

Finally, the final change is to clarify that operators have a six-month period to take all actual steps to physically abandon those lines that have been inactive for thirty-six months. The clarification is in accordance with the original intent of the rules approved by this Commission in Decision No. 63517.

While the changes here are more than just corrections in the grammatical syntax, the changes are all non-substantive. Staff routinely adopts non-substantive grammatical and editorial changes suggested by the AAG's and/or Secretary of State's Offices. In this case, the Commission's order does not authorize Staff to make any grammatical, editorial or conforming changes. For this reason, Staff presents these suggested changes to the Commission for its approval.

Further, Staff requests authority to make any subsequent conforming changes that may be necessary in the course of this rulemaking. Staff has contacted the assigned AAG attorney, Mark Wilson, and confirmed that these are the only proposed changes the AAG's Office anticipates recommending to the Commission at this time.

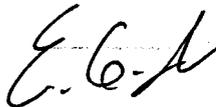
THE COMMISSION

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CONCLUSION

Staff deems these proposed changes to be minor, non-substantive amendments and recommends approval in order to go forward with the rulemaking certification process. Staff also respectfully requests that they be allowed to authorize future non-substantive, grammatical or editorial changes to the rules if necessary.



Ernest Johnson
Director
Utilities Division

EGJ:TF:ev/JDG

Originator: Terry Fronterhouse

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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

IN THE MATTER OF THE NOTICE OF)
PROPOSED RULE MAKING REGARDING)
THE TRANSPORTATION OF NATURAL)
GAS, OTHER GASES AND HAZARDOUS)
LIQUIDS BY PIPELINES)
_____)

DOCKET NO. RG-00000A-00-0548

DECISION NO. _____

OPINION AND ORDER

Open Meeting
March 19-20, 2002
Phoenix, Arizona

BY THE COMMISSION

DISCUSSION

On March 30, 2001, Arizona Corporation Commission ("Commission") Decision No. 63517 adopted the proposed amendments to the Pipeline Safety Rules (A.A.C. R14-5-201 through A.A.C R14-5-205), the purpose of which was to conform these rules to the most recent amendments to the Federal Pipeline Safety Regulations. Those amendments were submitted to the Arizona Attorney General's ("AAG's") Office for certification. The AAG's Office has come back with comments to the Pipeline Safety Rules as amended in Commission Decision No. 63517. Specifically, they have requested that changes be made to those rules. Those changes are described below.

The first proposed group of changes will reflect the fact that copies of regulations, reports, manuals and other pipeline materials are available, whenever incorporated by reference, from the Commission Office of Pipeline Safety, 1200 West Washington Street, Phoenix, Arizona 85007 at A.A.C R14-5-201(11); A.A.C. R14-5-202(B), (E)(1) and (2), (J), (K), (P), (R); A.A.C. R14-5-203(C)(2)(a) and (b), (C)(3); A.A.C. R14-5-204(A)(1) and (2); and R14-5-205(B), (G), (J), and (O). The AAG's Office believes that such a provision is necessary to conform with A.R.S. § 41-1028, which requires that any material, incorporated by a rule, be made available

1 from the agency issuing the rule. This change does not substantively change the Pipeline Safety
2 Rules and would merely provide another location by which a copy of incorporated rules would
3 be obtainable. Changes to A.A.C. R14-5-205(P) were made to make the language there
4 consistent with the proposed changes here.

5
6 The second proposed group of changes involves replacing the date of "July 13, 1998"
7 with "March 1, 2000" in A.A.C. R14-5-202(K) and A.A.C. R14-5-205(G), and replacing
8 "December 14, 1999" with "March 1, 2000" in A.A.C. R14-5-205(B). The change would reflect
9 the passage of the most recent federal rules on March 1, 2000. The federal rules adopted on
10 March 1, 2000, are still in effect at present and incorporate the changes made to the respective
11 portions of the federal rules on July 13, 1998 and December 14, 1999. The AAG's Office
12 changes here would not substantively change the Commission's rules and would reflect the most
13 recent review of the federal rules.

14
15 The third proposed group of changes adds the citation, 49 CFR 192, appendix A, after
16 API Standard 1104 under both A.A.C. R14-5-202(Q) and A.A.C. R14-5-202(K). Adding this
17 citation is giving a reference to where the API Standard 1104 is available in the federal
18 regulations.

19
20 Finally, the final change is to clarify that operators have a six-month period to take all
21 actual steps to physically abandon those lines that have been inactive for thirty-six months in
22 A.A.C. R14-5-202(H). The clarification is in accordance with the original intent of the rules
23 approved by this Commission in Decision No. 63517.

FINDINGS OF FACT

24 1. On March 30, 2001, Commission Decision 63517 approved the proposed
25 amendments to the Pipeline Safety Rules (A.A.C. R14-5-201 through A.A.C. R14-5-205), the
26 purposed of which was to conform these rules to the most recent amendments to the Federal
27 Pipeline Safety Regulations.

1 2. The Arizona Attorney General's Office has recommended that several non-
2 substantive changes be made to the amended Pipeline Safety Rules approved in Commission
3 Decision No. 63517. A copy of the proposed Pipeline Safety Rules, modified from those rules
4 approved in Commission Decision No. 63517, has been attached as Appendix B. Those changes
5 are summarized as follows:

- 6 • The first proposed group of changes will reflect that copies of regulations,
7 reports, manuals, and other pipeline materials are available, whenever
8 incorporated by reference, from the Commission.
- 9 • The second proposed group of changes involves replacing dates to
10 accurately refer to the most recent federal rules.
- 11 • The third proposed group of changes adds a citation, 49 CFR 192
12 Appendix A, in order to clarify the source of the API Standard 1104
13 referred to in the rules at A.A.C. R14-5-202(Q) and A.A.C. R14-5-202(K)
- 14 • The final change adds clarifying language to the last sentence in A.A.C.
15 R14-5-202(H) regarding the abandonment process.

16 3. Pursuant to A.R.S. § 41-1024, a Preamble to the proposed modified Rules is set
17 forth in Appendix A, attached hereto and incorporated by reference. The Preamble reflects the
18 proposed modifications to the rules made in this order.

19 4. The proposed Pipeline Safety Rules A.A.C. R14-5-201, A.A.C. R14-5-202,
20 A.A.C. R14-5-203, A.A.C. R14-5-204 and A.A.C. R14-5-205, as adopted in Commission
21 Decision No. 63517 and as modified by this decision are set forth in Appendix B, attached hereto
22 and incorporated by reference.

23 5. The Concise Explanatory Statement, updated to reflect the modifications made to
24 the rules adopted in Commission Decision No. 63517, is set forth in Appendix C, attached hereto
25 and incorporated by reference.

26 6. The Statement of Effect on Small Business and the Economic Impact Statement
27 approved in Commission Decision 63517, attached hereto and incorporated by reference as
28 Appendix D, are not affected by the proposed modifications.

CONCLUSIONS OF LAW

1
2 1. Pursuant to Article XV, §§ 2 and 3 of the Arizona Constitution and A.R.S. §§ 40-
3 202, 40-203, 40-321, and 40-441, et seq., the Commission has jurisdiction to adopt the proposed
4 modifications to the Pipeline Safety Rules approved in Commission Decision No. 63517.

5 2. The proposed modifications are non-substantive in nature.

6 3. The proposed modifications to the Pipeline Safety Rules are in the public interest
7 and should be adopted.

8 4. The proposed modifications are included in the updated Concise Explanatory
9 Statement, as set forth in Appendix D, and should be adopted.

10 5. The changes have no substantive impact on the Statement of Effect on Small
11 Business and the Economic Impact Statement adopted in Commission Decision No. 63517.

ORDER

12
13 THEREFORE IT IS ORDERED that the Proposed Modifications of the amendments, as
14 recommended by the Arizona Attorney General's Office, to the Pipeline Safety Rules approved
15 in Commission Decision No. 63517 are hereby adopted.

16 IT IS FURTHER ORDERED that the Staff for the Utilities Division of the Arizona
17 Corporation Commission be authorized to make additional non-substantive changes to the
18 Pipeline Safety Rules if appropriate and/or when recommended by the Arizona Attorney
19 General's Office or by the Office of the Secretary of State in Arizona.

20 IT IS FURTHER ORDERED that the Commission's Utilities Division shall submit the
21 rules, as modified by this Decision, to the Arizona Attorney General's Office for certification.
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1 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

2 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

3
4 COMMISSIONER-CHAIRMAN

COMMISSIONER

COMMISSIONER

5
6 IN WITNESS WHEREOF, I, BRIAN C. McNEIL,
7 Executive Secretary of the Arizona Corporation
8 Commission, have hereunto, set my hand and caused the
9 official seal of the Commission to be affixed at the Capitol,
10 in the City of Phoenix, this _____ day of _____
11 _____, 2002.

12
13 _____
14 BRIAN C. McNEIL
15 Executive Secretary

16 EGJ:TF:ev/JDG

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ATTACHMENT A

PIPELINE SAFETY RULES AS MODIFIED FROM COMMISSION DECISION NO. 63517

Note: The underlined and bolded portions below represent the additions that the AAG's Office has requested be made to the rules approved in Decision No. 63517. The struckthrough portions above represent deletions the AAG's Office has requested be made from the rules approved in Decision No. 63517, together with other conforming changes in light of the AAG's Office requests. The version below is illustrative of the AAG's requested changes from the proposed rules adopted in Commission Decision No. 63517.

ARTICLE 2. PIPELINE SAFETY

R14-5-201. Definitions

As used in this Article:

11. "Sandy type soil" means sand no larger than "coarse" as defined by ASTM D-2487-83 (1983 Edition), incorporated by reference (and no future amendments) and on file with the Office of the Secretary of State **and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007.**

R14-5-202. Construction and Safety Standards

- B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C), the Commission adopts, incorporates, and approves as its own 49 CFR 40, 191, 192 except I (2) and (3) of Appendix D to Part 192, 193, 195, except 195.1(b)(2) and (3), and 199, revised as of March 1, 2000 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and **copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- E. Operators of an intrastate pipeline transporting sour gas or oil are subject to industry standards addressing facilities handling hydrogen sulfide (H₂S). Standards adopted are:

1. NACE Standard MR-0175-99 (1999 Revision); (and no future revisions), Standard Materials Requirements-Sulfide Stress Cracking Resistant Metallic Material for Oilfield Equipment, incorporated by reference and no future amendments. Copies are available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the NACE International, P.O. Box 218340, Houston, Texas 77218-8340 and on file with the Office of the Secretary of State.
 2. API RP55 (1995 Edition); (and no future amendments), API recommended practice for conducting oil and gas production operations involving hydrogen sulfide, incorporated by reference and no future amendments. Copies are available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the CSSINFO, 310 Miller Avenue, Ann Arbor, Michigan, 48103 and on file with the Office of the Secretary of State.
- H. Operators of an intrastate pipeline transporting natural gas or other gas that have regulators, meters, or regulation meter sets that have been out of service for 36 months will abandon those lines and cap all ends. The operator's steps to accomplish the This abandonment shall not exceed 6 months beyond the 36 months out service status.
- J. Operators of an intrastate pipeline transporting LNG, natural gas, other gases or hazardous liquid will utilize a cathodic protection system designed to protect the metallic pipeline in its entirety, in accordance with 49 CFR 192, Subpart I, March 1, 2000 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975 except I (2) and (3) of Appendix D to Part 192 shall not be utilized.

- K. Operators of an intrastate pipeline transporting natural gas or other gas will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F, ~~July 13, 1998~~ **March 1, 2000** (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the **Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- P. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system that construct an underground pipeline system using plastic pipe will install the pipe with sufficient slack to allow for thermal expansion and contraction. In addition, all plastic pipe shall be marked CD or CE as required by ASTM D2513-95c (1995c Edition and no future editions), incorporated by reference, on file with the Office of the Secretary of State, and copies available from **the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, for areas where the service temperature is above 100°F.
- Q. Operators of an intrastate pipeline system transporting hazardous liquid, natural gas or other gases shall qualify welding procedures and shall perform welding of steel pipelines in accordance with API Standard 1104. Each welder must be qualified in accordance with API Standard 1104, **49 CFR 192, appendix A**. The qualification of welders delineated in 49 CFR 192, appendix C may be used for low stress level pipe.
- R. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system shall survey and grade all detected leakage by the following guide: ASME Guide for Gas Transmission and Distribution Pipeline System, Guide Material, Appendix G-11-1983 except 4.4(c) (1983 Revision and no future revisions), incorporated by reference and on

file with the Office of the Secretary of State and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the ASME, United Engineering Center, 345 East 47th Street, New York, N. Y. 10017. ("Should" as referenced in the Guide will be interpreted to mean "shall"). Leakage survey records shall identify in some manner each pipeline surveyed. Records shall be maintained to demonstrate that the required leakage survey has been conducted.

R14-5-203. Pipeline Incident Reports and Investigations

C. Require written incident report:

2. Written incident reports concerning natural gas or other gas pipeline systems will be in the following form:
 - a. RSPA F7100.1 - Distribution System: Incident Report, incorporated by reference and on file with the Office of the Secretary of State and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007.
 - b. RSPA F7100.2 - Transmission and Gathering System: Incident Report, incorporated by reference and on file with the Office of the Secretary of State and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007.
 - c. Written incident reports with respect to LNG facilities will be in an investigative form defining the incident and corrective action taken to prevent a reoccurrence.
3. Operators of an intrastate pipeline transporting hazardous liquid will make a written incident report on DOT Form 7000-1, incorporated by reference and on file with the Office of the Secretary of State, and copies available from the

Commission Office of Pipeline Safety, 1200 West Washington, Phoenix

Arizona 85007, when there is a release of hazardous liquid which results in any of the following:

- a. An explosion or fire not intentionally set by the operator.
- b. Injury to a person that results in 1 or more of the following:
 - i. Death.
 - ii. Loss of consciousness.
 - iii. Inability to leave the scene of the incident unassisted.
 - iv. Need for medical treatment.
 - v. Disability which interferes with a person's normal daily activities beyond the date of the incident.
- c. The loss of 50 or more barrels of hazardous liquid or carbon dioxide.
- d. The escape of more than 5 barrels a day of highly volatile liquids into the atmosphere.
- e. Property damage estimated in excess of \$5,000.
- f. News media inquiry.

R14-5-204. Annual Reports

A. Except for operators of an intrastate pipeline transporting LNG, hazardous liquid, all other intrastate pipeline operators will file with the Office of Pipeline Safety, not later than March 15, for the preceding calendar year, the following appropriate report(s):

1. RSPA F7100.1-1 (November 1985 Edition and no future editions) - "Annual Report for Calendar Year 20___, Gas Distribution System" and "Instructions for Completing RSPA Form F7100.1-1, Annual Report for Calendar Year 20___, Gas Distribution System", incorporated by reference, on file with the Office of the

Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 8417, 400 Seventh Street, S.W., Washington, D.C. 20590.

2. RSPA F7100.2-1 (November 1985 Edition and no future editions) - "Annual Report for Calendar Year 20___, Gas Transmission and Gathering Systems" and "Instructions for Completing Form RSPA F7100.2-1, Annual Report for Calendar Year 20___, Gas Transmission and Gathering Systems", incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 8417, 400 Seventh Street, S.W., Washington, D.C. 20590.

R14-5-205. Master Meter System Operators

- B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C), the Commission adopts, incorporates, and approves as its own 49 CFR 191 and 192, ~~revised as of December 14, 1999~~ March 1, 2000 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.

- G. Operators of a master meter system will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F, July 13, 1998 **March 1, 2000** (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the **Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- J. Operators of a master meter system that construct an underground pipeline using plastic pipe will install the pipe with sufficient slack to allow for thermal expansion and contraction. In addition, all plastic pipe shall be marked CD as required by ASTM D2513-95c (1995c Edition and no future editions), incorporated by reference, on file with the Office of the Secretary of State and copies available from **the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, for areas where the service temperature is above 100°F.
- K. Operators of a master meter gas system shall qualify welding procedures and shall perform welding of steel pipelines in accordance with API Standard 1104. Each welder must be qualified in accordance with API Standard 1104, **49 CFR 192, appendix A.**
- O. Operators of a master meter system will perform leakage surveys at intervals not exceeding 15 months but at least once each calendar year and will survey and grade all detected leakage by the following guide -- ASME Guide for Gas Transmission and Distribution Pipeline System, Guide Material, Appendix G-11-1983 (1983 Revision and no future revisions), except 4.4(c), incorporated by reference, on file with the Office of the Secretary of State, and copies available from **the Commission Office of Pipeline**

Safety, 1200 West Washington, Phoenix, Arizona 85007 and the ASME, United Engineering Center, 345 East 47th Street, New York, New York 10017. ("Should" as referenced in the guide will be interpreted to mean "shall".) Leak detection procedures shall be approved by the Office of Pipeline Safety.

- P. Operators of a master meter system will file an annual report with the Commission on Commission Form 1-90/15M (1990 Edition and no future editions), "Annual Report for Calendar Year 20__, Small Operators of Gas Distribution System," incorporated by reference, on file with the Office of the Secretary of State, and copies available from the ~~Arizona Corporation Commission~~, Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007. This report will be filed with the Office of Pipeline Safety not later than April 15 for the preceding calendar year.

SERVICE LIST FOR:

RULEMAKING OF NATURAL GAS

DOCKET NO.

RG-00000A-00-0548

Connie Wightman
Technologies Management, Inc.
210 Park Avenue, North
Winter Park, FL 32789

Charles G. Taylor, Jr., President and CEO
Local Gateway Exchange, Inc.
700 North Pearl, Suite 200
Dallas, Texas 75201

Steve Williams
Plant Manager
Arizona Public Service Company
P. O. Box 53999
Mail Station 4120
Phoenix, Arizona 85072-3999

Larry Daniel
Customer Construction Dept. Leader
Arizona Public Service Company
P. O. Box 53999
Mail Station 3015
Phoenix, Arizona 85072-3999

Mr. Mark Battaglia
City Manager
City Of Benson
P. O. Box 2223
Benson, Arizona 85602

Mr. Jim Wilson
Black Mountain Gas Company
P. O. Box 427
Cave Creek, Arizona 85331

Mr. Gail Robinson
Black Mountain Gas Company
P. O. Box 1028
Page, Arizona 86040

Mr. Doug Mann
Manager
Energy West Arizona
200 West Overland
Payson, Arizona 85541

Mr. Gary Powell
Manager
Amerigas Terminal
14702 West Olive Avenue
Waddell, Arizona 85355

Mr. John A. Rogers
Vice President, Systems Operations
Louisiana Gas Service Co.
P. O. Box 433
Harvey, Louisiana 70059

Mr. Jack McBride
Copper Market Incorporated
c/o Cyprus Bagdad Copper Company
P. O. Box 245
Bagdad, Arizona 86321

Mr. Jim Vescio
Station Manager
Dyn Air Fueling Company
4200 East Airline Drive
Phoenix, Arizona 85034

Mr. Jack Shilling
General Manager
Duncan Rural Service Cooperative
P. O. Box O
Duncan, Arizona 85534

Mr. Donald R. Payne PE
Manager, Compliance Engineering
El Paso Natural Gas Company
P. O. Box 1492
El Paso, Texas 79978

Mr. Nelson Peck
General Manager
Graham County Utilities, Inc.
P. O. Drawer B
Pima, Arizona 85543

Mr. David Plumb
Gas Manager
City of Mesa
P. O. Box 1466
Mesa, Arizona 85211-1466

Mr. Ken Mecham
Director
Gila Resources
Post Office Box 272
Safford, Arizona 85548

Mr. Dan McCarthy
Vice President
Citizens Utilities Company
1300 South Yale Street
Flagstaff, Arizona 86001

Ms. Debra Jacobson
Manager Regulatory Affairs
Southwest Gas Corporation
P. O. Box 98510
Las Vegas, Nevada 89193-8510

Mr. Frank Gonzales
Director of Utilities
City of Willcox
155 West Maley
Willcox, Arizona 85643

Mr. Steve Barlett
Manager
Applied LNG Technologies
8101 North 34th Street
Amarillo, Texas 79121

Ms. Becky Gardner
Senior Human Resources Assistant
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Mr. Darren Gilbert
Manager Safety Division
Public Utilities Commission of Nevada
1150 East Williams
Carson City, Nevada 89701

Mr. Dean Peery
Rolling Mill Facilitator
North Star Steel
3000 Highway 66 South
Kingman, Arizona 86401

Mr. Jack Williams
Pimalco-Aerospace Aluminum
6833 West Willis Road
Box 5050
Chandler, Arizona 85226

Pinal County Building Inspections
Queen Creek, Magma Gas Area
Building Safety Division
P.O. Box 827
31 North Pinal St. Bldg. D
Florence, Arizona 85232

U S WEST Communications
Regulatory Division
3033 North 3rd Street
Room 1010
Phoenix, Arizona 85012

Greg Merdick
Cox Cable
Community Relations
17602 North Black Canyon Highway
Phoenix, Arizona 85053

Chris Tyrek
Cable America
2720 East Camelback Road
Phoenix, Arizona 85016

Jones Intercable
Regulatory Division
8251 North Cortaro Road
Tucson, Arizona 85743-9599

Tucson Electric Power
Legal Department - DB203
220 West 6th Street
P.O. Box 711
Tucson, Arizona 85072

David Martin
Association of General Contractors
1825 West Adams
Phoenix, Arizona 85007

Clark Tartar / Frank Harris
Arizona Pipeline Company
3111 West Lincoln Street
Phoenix, Arizona 85009

Jim Gholson
Northern Pipeline Construction Co
3024 West Weldon Avenue
Phoenix, Arizona 85017

Walt Jones
Henkles and McCoy, Inc.
21601 North 3rd Avenue
Phoenix, Arizona 85027-2907

Tom Mattingly, Superintendent
City of Mesa
Building Inspections
P.O. Box 1466
Mesa, Arizona 85211-1466

ASARCO Incorporated
c/o Webb Crockett, Esq.
Fennemore Craig
3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012

The Arizona Utility Group
c/o John Clayton
Southwest Gas Corporation
P. O. Box 98510
Las Vegas, Nevada 89193-8510

John H. Shorbe, Sr.
Southern Arizona Home Builders Association
2840 North Country Club Road
Tucson, Arizona 85716

Mr. Michael Bovee
Park Manager
Canyon Valle Airpark
P.O. Box 3038
Grand Canyon, Arizona 86023

Mr. Bryan Jaconi
Manager
Havasu Springs Resort
2581 Highway 95
Parker, Arizona 85344

Mr. Russ Brock
Deputy Director
HBACA
2111 Eat Highland, Suite 190
Phoenix, Arizona 85016

Mr. Glen Meyers
Manager
Ikard and Newsom
P.O. Box 217
Flora Vista, New Mexico 87415

Mr. Tom Yazzi
Superintendent of Schools
Kayenta School District No. 27
P.O. Box 9000
Window Rock, Arizona 86515

Mr. Ralph Friedley
Superintendent of Schools
Red Mesa Unified School District No. 27
HCR 6100, Box 40
Teec Nos Pos, Arizona 86514

Mr. Chee Benally
Superintendent of Schools
Tuba City Unified School District No. 15
P.O. Box 67
Tuba City, Arizona 86045

Mr. Donimic Antignano
President
Zapco Energy Tactics Corporation
1420 - D Church Street
Bokemia, New York 11716

Gary Smith
Citizens Communications Company
1300 South Yale Street
Flagstaff, Arizona 86001

Carl Dabelstein
Citizens Communications Company
2901 North Central Avenue, Suite 1660
Phoenix, Arizona 85012

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104

APPENDIX A

PREAMBLE

NOTICE OF FINAL RULEMAKING

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND
ASSOCIATIONS; SECURITIES REGULATION

CHAPTER 5. CORPORATION COMMISSION - TRANSPORTATION

PREAMBLE

1. Sections Affected Rulemaking Action

Article 2.	PIPELINE SAFETY.
R14-5-201	Amend.
R14-5-202	Amend.
R14-5-203	Amend.
R14-5-204	Amend.
R14-5-205	Amend.

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 40-202, 40-203, 40-321, 40-441 and 40-442 et seq.

Constitutional authority: Arizona Constitution, Article XV

Implementing statute: Not applicable

3. The effective date of the rules.

These rules are effective upon decision approving an Order by the Commission .

4. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Public Information

6 A.A.R. 4209, November 3, 2000

Notice of Proposed Rulemaking

6 A.A.R. 3635, September 22, 2000

Notice of Rulemaking Docket Opening

6 A.A.R. 3117, August 18, 2000

Vol. # page # Issue date

5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Jason D. Gellman, Attorney, Legal Division

Address: Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Telephone Number: (602) 542-3402

Fax Number: (602) 542-4870

6. **An explanation of the rule, including the agency's reasons for initiating the rule:**

1. Staff is proposing amendments to transportation rules R14-5-201, R14-5-202, R14-5-203, R14-5-204 and R14-5-205. The amendments will update the rules to incorporate the most recent amendments to the Code of Federal Regulations (CFR), Title 49, Parts 191, 192, 193, 195, 199 and Part 40.
2. The amended rules will permit pipeline operators and property owners a means of resolving building encroachments over pipelines (R14-5-202(F)) and within three foot clearance of air intake (R14-5-202(I)).
3. These proposed revision also includes a timeframe for removal of meter set assemblies and a format for filing required written reports of an incident at LNG facilities.

7. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

None

8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

9. **The summary of the economic, small business, and consumer impact:**

Small Business Subject to the Rules: These rules do not change the responsibilities of master meter operators already established in 1970 by the adoption by the Commission of the Code of Federal Regulations, Title 49, Parts 191 and 192.

The new rules will have no effect upon consumers or users of the gas service provided by regulated public utilities as they presently are required to be in compliance with all standards, but, this will benefit consumers, users and the general public by maintaining a safe pipeline system.

The proposed rules are the least costly method for obtaining compliance with the long standing minimum safety standards. The rules do not impose additional standards. There is no less intrusive method.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The non-substantive, general amendments proposed by the AAG's Office are as follows:

The first proposed group of changes reflect the fact that copies of regulations, reports, manuals and other pipeline materials are available, whenever incorporated by reference, from the Commission Office of Pipeline Safety, 1200 West Washington Street, Phoenix, Arizona 85007 at A.A.C R14-5-201(11); A.A.C. R14-5-202(B), (E)(1) and (2), (J), (K), (P), (R); A.A.C. R14-5-203(C)(2)(a) and (b), (C)(3); A.A.C. R14-5-204(A)(1) and (2); and R14-5-205(B), (G), (J), and (O). The AAG's Office believes that such a provision is necessary to conform with A.R.S. § 41-1028, which requires that any material, incorporated by a rule, be made available from the agency issuing the rule. While Staff believes that the rules as passed in Decision No. 63517 meet the requirements of A.R.S. § 41-1028, no problem exists in accommodating the AAG's request. This change does not substantively change the Rules and would merely provide another location by which a copy of incorporated rules would be obtainable. Changes to A.A.C. R14-5-205(P) were made to make the language there consistent with the proposed changes here.

The second proposed group of changes involves replacing the date of "July 13, 1998" with "March 1, 2000" in A.A.C. R14-5-202(K) and A.A.C. R14-5-205(G), and replacing "December 14, 1999" with "March 1, 2000" in A.A.C. R14-5-205(B). The change would reflect the passage of the most recent federal rules on March 1, 2000. The federal rules adopted on March 1, 2000 are still in effect at present and incorporate the changes made to the respective portions of the federal rules on July 13, 1998 and December

14, 1999. The AAG's Offices' changes here would not substantively change the Commission's rules and would reflect the most recent review of the federal rules.

The third proposed group of changes adds the citation, 49 CFR 192, appendix A, after API Standard 1104 under both A.A.C. R14-5-202(Q) and A.A.C. R14-5-202(K). Adding this citation is giving a reference to where the API Standard 1104 is available in the federal regulations.

Changes made subsequent to the notice of proposed rulemaking and final rulemaking by the Commission are as follows:

R14-5-201(5).

Before:

5. "Intrastate pipeline" means all pipeline facilities referenced in ARS 40.441, included in the definition of "pipeline system" that are used to transport natural gas, Liquefied Natural Gas ("LNG"), other gas or hazardous liquids within Arizona, that are not used to transport gas or hazardous liquids in interstate or foreign commerce. This includes, without limitation, any equipment, facility, building or other property used or intended for use in transporting gas, LNG or hazardous liquids.

After:

5. "Intrastate pipeline" means all pipeline facilities referenced in ARS 40.441, included in the definition of "pipeline system" that are used by public service corporations to transport natural gas, Liquefied Natural Gas ("LNG"), other gas or hazardous liquids within Arizona, that are not used to transport gas or hazardous liquids in interstate or foreign commerce. This includes, without limitation, any equipment, facility, building or other property used or intended for use in transporting gas, LNG or hazardous liquids.

R14-5-201(9).

Before:

9. "Pipeline system" means all parts of those physical facilities ~~that are used by public service corporations~~ through which natural gas, ~~liquefied natural gas ("LNG")~~, other gases or hazardous liquids move in transportation including, but not limited to, pipes, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.

After:

9. "Pipeline system" means all parts of those physical facilities that are used by public service corporations through which natural gas, ~~liquefied natural gas ("LNG")~~, other gases or hazardous liquids move in transportation including, but not limited to, pipes, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.

R14-5-202(H)

Before:

H. Operators of an intrastate pipeline transporting natural gas or other gas ~~pipeline system~~, that have regulators, meters, or regulation meter sets that have been out of service for 36 months will abandon those lines and cap all ends. This abandonment shall not exceed 6 months beyond the 36 months out service status.

After:

H. Operators of an intrastate pipeline transporting natural gas or other gas ~~pipeline system~~, that have regulators, meters, or regulation meter sets that have been out of service for 36 months will abandon those lines and cap all ends. The operators steps to accomplish the abandonment shall not exceed 6 months beyond the 36 months out service status.

R14-5-203(B)(1)(e)

Before:

- e. Permanent or temporary discontinuance of gas service to a master meter system or when assisting with the isolation of any portion of a gas master meter system.

After:

- e. Permanent or temporary discontinuance of gas service to a master meter system or when assisting with the isolation of any portion of a gas master meter system due to a failure of a leak test.

R14-5-205(A)

Before:

- A. Applicability. This rule applies to the construction, reconstruction, repair, emergency procedures, operation and maintenance of all master meter systems, ~~as a condition of receiving service from public service corporations.~~ Noncompliance with this rule by operators of a master meter system shall constitute grounds

for termination of service, by the public service corporation when informed in writing by the Office of Pipeline Safety. In case of an emergency, the Office of Pipeline Safety may give the public service corporation oral instructions to terminate service, with written confirmation to be furnished within 24 hours.

After:

- A. Applicability. This rule applies to the construction, reconstruction, repair, emergency procedures, operation and maintenance of all master meter systems, as a condition of receiving service from public service corporations. Noncompliance with this rule by operators of a master meter system shall constitute grounds for termination of service, by the public service corporation when informed in writing by the Office of Pipeline Safety. In case of an emergency, the Office of Pipeline Safety may give the public service corporation oral instructions to terminate service, with written confirmation to be furnished within 24 hours.

11. A summary of the principal comments and the agency response to them:

R14-5-201

Issue: In its original proposed amendments to the Rules as published in the September 22, 2000 Arizona Administrative Register, Staff proposed to add references to liquefied natural gas to the definitions. Staff also proposed the deletion of references to "public service corporations."

On October 19 and 26, 2000, ASARCO and AFFC, respectively, filed comments expressing concern that the Commission's proposed deletion of "public service corporations" would in essence, expand the jurisdiction of the Commission in violation of the Arizona Constitution.

ASARCO and AFFC also voiced their objection to the deletion of "public service corporations" from R14-5-201 at the Public Comment hearing on November 2, 2000.

At the Public Comment hearing, and in comments filed on October 31, 2000, Staff agreed not to delete any references to "public service corporations" from R14-5-201.

Analysis: In its October 31, 2000 comments, Staff indicated that its deletion of references to "public service corporations" was inadvertent.

The proposed amendments will also update the Rules to incorporate the most recent amendments to the Code of Federal Regulations.

Resolution: The Rules shall retain all references to "public service corporations" as they currently state.

R14-5-202

Issue: The proposed amendments update the Rules to incorporate the most recent amendments to the Code of Federal Regulations.

Analysis: The proposed amendments incorporate the 1999 revision of NACE Standard MR0175, to replace the 1980 revision and the 1995 Edition of RP55 to replace the 1981 Edition. The proposed amendments also permit the pipeline operator and the property owner a means of resolving building encroachments over a pipeline and establish a time frame for removal of meter set assemblies that have been out of service for a period of 36 months. The proposed amendments also permit the pipeline operator and the property owner a means of resolving encroachments within the required three (3) foot clearance between an electrical source, opening into a building or an air intake into a building, and a gas regulator that might release gas in its operations.

No parties opposed the proposed amendments.

Resolution: Staff's proposed amendments to the Rule should be adopted.

R14-5-203

Issue: The proposed amendments will require written incident reports regarding liquefied natural gas to be in an investigative form defining the incident and the action taken to prevent the incident from reoccurring.

Analysis: The proposed amendments establish a format for filing required written reports of an incident at liquefied natural gas facilities.

SWG also filed comments seeking to add a condition to the requirement of incident reports filed by telephone. SWG seeks to add language that limits telephone reports due to a discontinuance of gas service to a master meter system or when assisting with the isolation of any portion of a gas meter system

“due to a failure of a leak test.”

Staff agreed to the language proposed by SWG.

Resolution: Staff’s proposed amendments should be adopted and SWG’s proposed changes were incorporated into the final rules.

R14-5-204

Issue: Staff’s proposed amendments will update the dates and addresses listed in the Rule.

Analysis: The proposed amendments are logical and practical. No parties objected to Staff’s proposed amendments.

Resolution: Staff’s proposed amendments to the Rule should be adopted.

R14-5-205

Issue: Staff’s proposed amendments add references to public service corporations and update the rules by changing the dates of the revision of Federal rules.

Analysis: The proposed amendments are logical and practical. No parties objected to Staff’s proposed amendments.

Resolution: Staff’s proposed amendments to the Rule should be adopted.

Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules: None

12. Incorporations by reference and their location in the rules:

Title 49, Code of Federal Regulations (CFR), Parts 40, 191, 192, except I(2) of Appendix D to Part 192, 193, 195 (except 195.1(b)(2) and (3)) and 199. These regulations cover the minimum safety standards for construction and operation of gas and hazardous liquid pipelines. These regulations may be found at the Arizona Corporation Commission, Executive Secretaries Office and Utilities Division, Pipeline Safety Section, 1200 West Washington Street, Phoenix, Arizona 85007. These regulations are incorporated by reference in the amended rules at: R14-5-202 B., C., E.1., E.2., J., K., P., Q., R., R14-5-203 C.2., C.3., C.5., R14-5-204 A.1., A.2., and R14-5-205 B., G., J., K., O., and P..

13. Was this rule previously adopted as an emergency rule?:

If so, please indicate the Register citation:

No

15. The full text of the rules follows:

APPENDIX B

**PROPOSED PIPELINES SAFETY RULES AMENDMENTS AS MODIFIED
UPON REQUEST BY THE ARIZONA ATTORNEY GENERAL'S OFFICE**

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND
ASSOCIATIONS; SECURITIES REGULATION**

CHAPTER 5. CORPORATION COMMISSION – TRANSPORTATION

ARTICLE 2. PIPELINE SAFETY

- R14-5-201. Definitions
- R14-5-202. Construction and Safety Standards
- R14-5-203. Pipeline Incident Reports and Investigations
- R14-5-204. Annual Reports
- R14-5-205. Master Meter System Operators

ARTICLE 2. PIPELINE SAFETY

RI4-5-201. Definitions

As used in this Article:

1. "Abandon" means disconnecting the pipeline from all sources and supplies of gas, or hazardous liquids, purging the gas or hazardous liquids within from the pipeline being disconnected and capping all ends.
2. "Building" means any structure intended for supporting or sheltering any occupancy.
3. "Business District" means an area where the public congregate for economic, industrial, religious, education, health or recreational purposes and 2 or more buildings used for these purposes are located within 100 yards of each other.
4. "Commission" means the Arizona Corporation Commission.
5. "Intrastate pipeline" means all pipeline facilities ~~referenced in ARS 40.441~~, included in the definition of "pipeline system" that are used by public service corporations to transport natural gas, Liquefied Natural Gas ("LNG"), other gas or hazardous liquids within Arizona, that are not used to transport gas or hazardous liquids in interstate or foreign commerce. This includes, without limitation, any equipment, facility, building or other property used or intended for use in transporting gas, LNG or hazardous liquids.
6. "Master meter system" means physical facilities for distributing gas within a definable area where the operator purchases metered gas from a public service corporation to provide gas service to 2 or more buildings other than at a single family residence.
7. "Operator" means a person that owns or operates a pipeline system or master meter system.
8. "Person" means any individual, firm, joint venture, partnership, corporation, association, cooperative association, joint stock association, trustee, receiver, assignee, personal representative, the state or any political subdivision thereof.
9. "Pipeline system" means all parts of those physical facilities that are used by public service corporations through which natural gas, ~~liquefied natural gas ("LNG")~~, other gases or hazardous liquids move in transportation including, but not limited to, pipes, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.
10. "Office of Pipeline Safety" means the Pipeline Safety personnel for the Commission.

11. "Sandy type soil" means sand no larger than "coarse" as defined by ASTM D-2487-83 (1983 Edition), incorporated herein by reference (and no future amendments) and on file with the Office of the Secretary of State and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007.
12. "State" means the State of Arizona and all lands within its boundaries.
13. "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner.
14. "Transport" or "transportation" of gas, LNG or hazardous liquids ~~is~~ means the gathering, transmission, distribution ~~and or~~ storage of gas, LNG or hazardous liquids by pipeline within the State.

R14-5-202. Construction and Safety Standards

- A. Applicability: This rule applies to the construction, reconstruction, repair, operation and maintenance of all intrastate natural gas, other gas, LNG and hazardous liquid pipeline systems, as described in ARS 40-441.
- B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C), the Commission adopts, incorporates, and approves as its own 49 CFR 40, 191, 192 except I (2) and (3) of Appendix D to Part 192, 193, 195, except 195.1(b)(2) and (3), and 199, revised as of ~~November 4, 1998~~ March 1, 2000 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- C. The above mentioned incorporated Parts of 49 CFR, except Parts 191, 193 Subpart A and 195 Subpart A and B, are revised as follows:
 1. Substitute "Commission" where "~~Office of Pipeline Safety, Administrator of the~~ Research and Special Programs Administration" or "Office of Pipeline Safety" (OPS) appear.
 2. Substitute "Office of Pipeline Safety, Arizona Corporation Commission, at its office in Phoenix, Arizona" where addresses for the Information ~~Systems~~ Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, Materials

appear:

- D. Operators of an intrastate pipeline will file with the Commission an Operation and Maintenance Plan (O & M), including an emergency plan, 30 days prior to placing a pipeline system into operation. Any changes in existing plans will be filed within 30 days of the effective date of the change.
- E. Operators of an intrastate pipeline transporting sour gas or oil are subject to industry standards addressing facilities handling hydrogen sulfide (H₂S). Standards adopted are:
1. NACE ~~s~~Standard ~~MR-01-75~~ MR-0175-99 (1980 1999 Revision); (and no future revisions), Standard ~~m~~Materials equipment Requirements ~~s~~Sulfide ~~s~~Stress ~~e~~Cracking ~~r~~Resistant ~~m~~Metallic ~~m~~Material for oil field Oilfield ~~e~~Equipment, incorporated by reference and no future amendments. Copies are available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the NACE International, P.O. Box 218340, Houston, Texas 77218-8340 and on file with the Office of the Secretary of State.
 2. API RP55 (1984 1995 Edition); (and no future amendments), API recommended practice for conducting oil and gas production operations involving hydrogen sulfide, incorporated by reference and no future amendments. Copies are available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the CSSINFO, 310 Miller Avenue, Ann Arbor, Michigan, 48103 and on file with the Office of the Secretary of State.
- F. Operators of an intrastate pipeline transporting LNG, hazardous liquid, natural gas or other gas will not construct any part of a hazardous liquid, LNG, natural gas or other gas pipeline system under a building. For building encroachments over a pipeline system, the operator ~~will discontinue service~~ may require the property owner to remove the building from over the pipeline or reimburse the operator the cost associated with relocating the pipeline system. The encroachment shall be resolved within 180 days of discovery, or the operator shall discontinue service to the pipeline system. When the encroachment can not be resolved within the 180 days the operator will shall submit to the Office of Pipeline Safety within 90 days of

discovery a written plan to resolve the encroachment. The Office of Pipeline Safety may then extend the 180 day requirement in order to allow the ratepayer and the operator to implement the written plan to resolve the encroachment.

- G. Operators of an intrastate pipeline transporting LNG, hazardous liquid, natural gas or other gas pipeline system will not construct any part of a pipeline system closer than 8 inches to any other underground structure. If the 8 inch clearance cannot be maintained from other underground structures, a sleeve, casing, or shielding shall be used.
- H. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system, that have regulators, meters, or regulation meter sets that have been out of service for 36 months will abandon those lines and cap all ends. The operators steps to accomplish the abandonment shall not exceed 6 months beyond the 36 months out service status.
- I. Operators of an intrastate pipeline shall not install or operate a gas regulator that might release gas in its operation closer than 3 feet to a source of ignition, opening into a building, air intake into a building or to any electrical source not intrinsically safe. The three (3) foot clearance from a source of ignition will be measured from the vent or source of release (discharge port), not from the physical location of the meter set assembly. This subsection shall not be effective with respect to building permits which are issued and subdivisions which are platted prior to October 1, 2000. For encroachment within the required three foot clearance caused by an action of the property owner, occupant or a service provider, after the effective date of this rule the operator may require the property owner to resolve the encroachment or reimburse the operator the cost associated with relocating the pipeline system. The encroachment shall be resolved within 180 days of discovery or the operator shall discontinue service to the effected pipeline system. When the encroachment cannot be resolved within the 180 days the operator shall submit to the Office of Pipeline Safety within 90 days of discovery a written plan to resolve the encroachment. The Office of Pipeline Safety may then extend the 180 day requirement in order to allow the ratepayer and the operator to implement the written plan to resolve the encroachment.
- J. Operators of an intrastate pipeline system transporting LNG, natural gas, other gases or hazardous liquid will utilize a cathodic protection system designed to protect the metallic pipeline in its entirety, in

accordance with 49 CFR 192, Subpart I, ~~November 4, 1998~~ March 1, 2000 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975 except I (2) and (3) of Appendix D to Part 192 shall not be utilized.

- K.** Operators of an intrastate pipeline transporting natural gas or other gas ~~pipeline system~~ will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F, ~~November 4, 1998~~ March 1, 2000 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- L.** Operators of an intrastate pipeline transporting hazardous liquid, natural gas or other gas ~~pipeline system~~ will not install Acrylonitrile-Butadiene-Styrene (ABS) or aluminum pipe in their pipeline systems.
- M.** Operators of an intrastate pipeline transporting hazardous liquid, natural gas or other gas ~~pipeline systems~~ will not install plastic pipe aboveground unless the plastic pipeline is protected by a metal casing, or equivalent, and approved by the Office of Pipeline Safety. Temporary aboveground plastic pipeline bypasses are permitted for up to sixty (60) days, provided that the plastic pipeline is protected and is under the direct supervision of the operator at all times.
- N.** Operators of an intrastate pipeline transporting hazardous liquid, natural gas or other gas ~~pipeline system~~ that construct a pipeline system or any portion thereof using plastic pipe, will install, at a minimum, a 14-gauge coated or corrosion resistant, electrically conductive wire as a means of locating the pipe while it is underground. Tracer wire shall not be wrapped around the plastic pipe, tracer wire may be taped, or attached in some manner to the pipe provided that the adhesive or the attachment is not detrimental to the integrity of the pipe wall.
- O.** Operators of an intrastate pipeline transporting natural gas or other gas ~~pipeline system~~ that construct an underground pipeline system using plastic pipe, will bury the installed pipe with a minimum of 6 inches of

- sandy type soil surrounding the pipe for bedding and shading, free of any rock or debris, unless otherwise protected and approved by the Office of Pipeline Safety.
- P. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system that construct an underground pipeline system using plastic pipe will install the pipe with sufficient slack to allow for thermal expansion and contraction. In addition, all plastic pipe shall be marked CD or CE as required by ASTM D2513-95c (1995c Edition and no future editions), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, for areas where the service temperature is above 100°F.
- Q. Operators of an intrastate pipeline system transporting hazardous liquid, natural gas or other gases shall qualify welding procedures and shall perform welding of steel pipelines in accordance with API Standard 1104. Each welder must be qualified in accordance with API Standard 1104, 49 CFR 192, appendix A. The qualification of welders delineated in 49 CFR 192, appendix C may be used for low stress level pipe.
- R. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system shall survey and grade all detected leakage by the following guide: ASME Guide for Gas Transmission and Distribution Pipeline System, Guide Material, Appendix G-11-1983 except 4.4(c) (1983 Revision and no future revisions), incorporated by reference and on file with the Office of the Secretary of State and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the ASME, United Engineering Center, 345 East 47th Street, New York, N. Y. 10017. (“Should” as referenced in the Guide will be interpreted to mean “shall”). Leakage survey records shall identify in some manner each pipeline surveyed. Records shall be maintained to demonstrate that the required leakage survey has been conducted.
- S. All repair work performed on an existing intrastate pipeline transporting LNG, hazardous liquids, natural gas or other gas pipeline system will comply with the provisions of this Article.
- T. The Commission may waive compliance with any of the aforementioned parts upon a finding that such a waiver is in the interest of public and pipeline safety.

- U. To ensure compliance with provisions of this rule the Commission or an authorized representative thereof may enter the premises of an operator of an intrastate pipeline to inspect and investigate the property, books, papers, business methods, and affairs that pertain to the pipeline system operation.
- V. All other Commission administrative rules are superseded to the extent they are in-conflict with the pipeline safety provisions of this Article.

R14-5-203. Pipeline Incident Reports and Investigations

- A. Applicability. This rule applies to all intrastate pipeline systems.
- B. Required incident reports by telephone:
 - 1. Operators of an intrastate pipeline transporting LNG, natural gas or other gas pipeline system will notify by telephone the Office of Pipeline Safety upon discovery of the occurrence of any of the following:
 - a. The release of natural gas, other gas or liquefied natural gas (LNG) from a pipeline or LNG facility, when any of the following results:
 - i. Death or personal injury requiring hospitalization.
 - ii. An explosion or fire not intentionally set by the operator.
 - iii. Property damage, including the value of the gas lost, estimated in excess of \$5,000.
 - b. Emergency transmission pipeline shutdown.
 - c. News media inquiry.
 - d. Overpressure of a pipeline system where a pipeline operating at less than 12 PSIG exceeds MAOP by 50%, where a pipeline operating between 12 PSIG and 60 PSIG exceeds MAOP by 6 PSIG or where a pipeline operating over 60 PSIG exceeds MAOP plus 10%.
 - e. Permanent or temporary discontinuance of gas service to a master meter system or when assisting with the isolation of any portion of a gas master meter system due to a failure of a leak test.
 - f. Emergency shutdown of a LNG process or storage facility.

2. Operators of an intrastate pipeline transporting hazardous liquid will notify by telephone the Office of Pipeline Safety upon discovery of the occurrence of any of the following:
 - a. Death or personal injury requiring hospitalization.
 - b. An explosion or fire not intentionally set by the operator.
 - c. Property damage estimated in excess of \$5,000.
 - d. Pollution of any land, stream, river, lake, reservoir, or other body of water that violates applicable environmental quality, water quality standards, causes a discoloration of the surface of the water or adjoining shoreline, or deposits sludge or emulsion beneath the surface of the water or upon adjoining shorelines.
 - e. News media inquiry.

3. Telephone incident reports will include the following information:

- a. Name of the pipeline system operator,
- b. Name of the reporting party,
- c. Job title of the reporting party,
- d. The reporting party's telephone number,
- e. Location of the incident,
- f. Time of the incident, and
- g. Fatalities and injuries, if any.

C. Require written incident report:

1. Operators of an intrastate pipeline transporting natural gas, LNG or other gases will file a written incident report when an incident occurs involving a natural gas or other gas pipeline that results in any of the following:
 - a. An explosion or fire not intentionally set by the operator.
 - b. Injury to a person that results in 1 or more of the following:
 - i. Death.
 - ii. Loss of consciousness.
 - iii. Need for medical treatment requiring hospitalization.

- c. Property damage, including the value of the lost gas, estimated in excess of \$5,000.
 - d. Emergency transmission pipeline shutdown.
 - e. Overpressure of a pipeline system where a pipeline operating at less than 12 PSIG exceeds MAOP by 50%, where a pipeline operating between 12 PSIG and 60 PSIG exceeds MAOP by 6 PSIG or where a pipeline operating over 60 PSIG exceeds MAOP plus 10%.
 - f. Emergency shutdown of a LNG process or storage facility.
2. Written incident reports concerning natural gas or other gas pipeline systems will be in the following form:
- a. RSPA F7100.1 - Distribution System: Incident Report, incorporated by reference and on file with the Office of the Secretary of State and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007.
 - b. RSPA F7100.2 - Transmission and Gathering System: Incident Report, incorporated by reference and on file with the Office of the Secretary of State and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007.
 - c. Written incident reports with respect to LNG facilities will be in an investigative form defining the incident and corrective action taken to prevent a reoccurrence.
3. Operators of an intrastate pipeline transporting hazardous liquid will make a written incident report on DOT Form 7000-1, incorporated by reference and on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix Arizona 85007, when there is a release of hazardous liquid which results in any of the following:
- a. An explosion or fire not intentionally set by the operator.
 - b. Injury to a person that results in 1 or more of the following:
 - i. Death.
 - ii. Loss of consciousness.

- iii. Inability to leave the scene of the incident unassisted.
 - iv. Need for medical treatment.
 - v. Disability which interferes with a person's normal daily activities beyond the date of the incident.
- c. The loss of 50 or more barrels of hazardous liquid or carbon dioxide.
 - d. The escape of more than 5 barrels a day of highly volatile liquids into the atmosphere.
 - e. Property damage estimated in excess of \$5,000.
 - f. News media inquiry.
4. Written incident reports as required in this Section will be filed with the Office of Pipeline Safety, within the time specified below:
- a. Natural gas, LNG or other gas - within 20 days after detection.
 - b. Hazardous liquids - within 15 days after detection.
5. The Operators shall also file a copy of all DOT required written incident reports with the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.
6. Operators of a natural gas or other gas pipeline system will request a clearance from the Office of Pipeline Safety prior to turning on or reinstating service to a master meter operator.

D. Investigations by the Commission:

- 1. The Office of Pipeline Safety will investigate the cause of incidents resulting in death or serious injury.
- 2. Pursuant to an investigation under this rule, the Commission, or an authorized agent thereof, may:
 - a. Inspect all plant and facilities of a pipeline system.
 - b. Inspect all other property, books, papers, business methods, and affairs of a pipeline system.
 - c. Make inquiries and interview persons having knowledge of facts surrounding an incident.
 - d. Attend, as an observer, hearings and formal investigations concerning pipeline system operators.

- e. Schedule and conduct a public hearing into an incident.
3. The Commission may issue subpoenas to compel the production of records and the taking of testimony.
4. Incidents not reported in accordance with the provisions of this rule will be investigated by the Office of Pipeline Safety.
5. Incidents referred to in incomplete or inaccurate reports will be investigated by the Office of Pipeline Safety.
6. Late filed incident reports will be accompanied by a letter of explanation. Incidents referred to in late filed reports may be investigated by the Office of Pipeline Safety.

R14-5-204. Annual Reports

A. Except for operators of an intrastate pipeline transporting LNG, or hazardous liquid, all other intrastate pipeline operators will file with the Office of Pipeline Safety, not later than March 15, for the preceding calendar year, the following appropriate report(s):

1. RSPA F7100.1-1 (November 1985 Edition and no future editions) - "Annual Report for Calendar Year 1920, Gas Distribution System" and "Instructions for Completing RSPA Form F7100.1-1, Annual Report for Calendar Year 1920, Gas Distribution System", incorporated herein by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 8417, 400 Seventh Street, S.W., Washington, D.C. 20590.
2. RSPA F7100.2-1 (November 1985 Edition and no future editions) - "Annual Report for Calendar Year 1920, Gas Transmission and Gathering Systems" and "Instructions for Completing Form RSPA F7100.2-1, Annual Report for Calendar Year 1920, Gas Transmission and Gathering Systems", incorporated herein by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the Information Resources Manager, Office of Pipeline Safety, Research and

Special Programs Administration, U.S. Department of Transportation, Room 8417, 400 Seventh Street, S.W., Washington, D.C. 20590.

- B. The operator will also file a copy of all required annual reports by March 15 to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street S.W., Washington, D.C. 20590-0001.

R14-5-205. Master Meter System Operators

- A. Applicability. This rule applies to the construction, reconstruction, repair, emergency procedures, operation and maintenance of all master meter systems, as a condition of receiving service from public service corporations. Noncompliance with this rule by operators of a master meter system shall constitute grounds for termination of service, by the public service corporation when informed in writing by the Office of Pipeline Safety. In case of an emergency, the Office of Pipeline Safety may give the public service corporation oral instructions to terminate service, with written confirmation to be furnished within 24 hours.
- B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C), the Commission adopts, incorporates, and approves as its own 49 CFR 191 and 192, ~~revised as of November 4, 1998~~ March 1, 2000 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- C. The above mentioned incorporated parts of 49 CFR, except Part 191, are revised as follows:
1. Substitute "Commission" where "~~Office of Pipeline Safety, Administrator of the~~ Research and Special Programs Administration", or "Office of Pipeline Safety" (OPS) appear.
 2. Substitute Office of "Pipeline Safety, Arizona Corporation Commission, at its office in Phoenix, Arizona" where addresses for the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation ~~or Office of Chief Counsel~~ appear.

- D. Operators of a master meter system will establish an Operation and Maintenance Plan (O & M) including an emergency plan. The plans must be maintained at the master meter system location.
- E. Operators of a master meter system will not construct any part of a natural gas or other gas system under a building or permit a building to be placed over a pipeline. Within 180 days of discovery of a building being located over a pipeline, the operator shall remove the building from over the pipeline, relocate the pipeline or discontinue the service to the pipeline located under the building.
- F. Operators of a master meter system will not install Acrylonitrile-Butadiene-Styrene (ABS) or aluminum pipe in their systems.
- G. Operators of a master meter system will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F, ~~August 14, 1995~~ March 1, 2000 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- H. Operators of a master meter system that construct a pipeline or any portion thereof using plastic pipe will install, at a minimum, a 14-gauge coated or corrosion resistant, electrically conductive wire as a means of locating the pipe while it is underground. Tracer wire shall not be wrapped around the plastic pipe, tracer wire may be taped, or attached in some manner to the pipe provided that the adhesive or the attachment is not detrimental to the integrity of the pipe wall.
- I. Operators of a master meter system that construct an underground pipeline using plastic pipe, will bury the installed pipe with a minimum of 6 inches of sandy type soil surrounding the pipe for bedding and shading, free of any rock or debris, unless otherwise protected and approved by the Office of Pipeline Safety.
- J. Operators of a master meter system that construct an underground pipeline using plastic pipe will install the pipe with sufficient slack to allow for thermal expansion and contraction. In addition, all plastic pipe shall be marked CD as required by ASTM D2513-95c (1995c Edition and no future editions), incorporated by reference, on file with the Office of the Secretary of State and copies available from the Commission Office

of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, for areas where the service temperature is above 100°F.

- K.** Operators of a master meter gas system shall qualify welding procedures and shall perform welding of steel pipelines in accordance with API Standard 1104. Each welder must be qualified in accordance with API Standard 1104, 49 CFR 192, appendix A.
- L.** All repair work performed on existing master meter systems will comply with the provisions of this Article.
- M.** Operators of a master meter system will not construct any part of a natural gas or other gas system closer than 8 inches to any other underground structure.
- N.** Operators of a master meter system will file a Notice of Construction 30 days prior to commencement of the construction of any pipeline. The Notice will contain the following information:
1. The dates of construction,
 2. The size and type of pipe to be used,
 3. The location of construction, and
 4. The Maximum Allowable Operating Pressure (MAOP).
- O.** Operators of a master meter system will perform leakage surveys at intervals not exceeding 15 months but at least once each calendar year and will survey and grade all detected leakage by the following guide -- ASME Guide for Gas Transmission and Distribution Pipeline System, Guide Material, Appendix G-11-1983 (1983 Revision and no future revisions), except 4.4(c), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the ASME, United Engineering Center, 345 East 47th Street, New York, New York 10017. ("Should" as referenced in the guide will be interpreted to mean "shall".) Leak detection procedures shall be approved by the Office of Pipeline Safety.
- P.** Operators of a master meter system will file an annual report with the Commission on Commission Form 1-90/15M (1990 Edition and no future editions), "Annual Report for Calendar Year 1920", Small Operators of Gas Distribution System," incorporated by reference, on file with the Office of the Secretary of State, and copies available from the ~~Arizona Corporation~~ Commission, Office of Pipeline Safety, 1200

West Washington, Phoenix, Arizona 85007. This report will be filed with the Office of Pipeline Safety not later than April 15 for the preceding calendar year.

- Q.** The Commission may waive compliance with any of the aforementioned parts upon a finding that such a waiver is in the interest of public safety.
- R.** To ensure compliance with provisions of this rule, the Commission or an authorized representative thereof, may enter the premises of an operator of a master meter system to inspect and investigate the property, books, papers, business methods, and affairs that pertain to the operation of the master meter system.
- S.** All other Commission administrative rules are superseded to the extent they are in conflict with the pipeline safety provisions of this Article.

APPENDIX C

CONCISE EXPLANATORY STATEMENT

CONCISE EXPLANATORY STATEMENT

This explanatory statement is provided to comply with the provisions of A.R.S. §41-1036.

I. **CHANGES IN THE TEXT OF THE PROPOSED RULES FROM THAT CONTAINED IN THE NOTICE OF RULEMAKING FILED WITH THE SECRETARY OF STATE EVALUATION OF THE ARGUMENTS FOR AND AGAINST THE PROPOSED RULES**

After public comment, the following sections have been modified from the text of the revised rules published in the Arizona Administrative Register:

R14-5-201(5)

Delete "referenced in ARS 40.441" after "facilities". Insert "by public service corporations" after "used".

R14-5-201(9)

Insert "public service corporations" after "facilities".

R14-5-202(A)

Delete ". , as described in ARS 40-441" after "systems".

R14-5-202(H)

Delete ". This" Insert "The operator's steps to accomplish the"

R14-5-203 B.(1)(e)

Insert "due to a failure of a leak test" after "system".

R14-5-205 A.

Insert "as a condition of receiving service from public service corporations" after "system,".

II. EVALUATION OF THE ARGUMENTS FOR AND AGAINST THE PROPOSED RULES

The proposed amended Arizona Corporation Commission Pipeline Safety Rules ("Rules") will update the Rules by incorporating by reference the most recent amendments to the Code of Federal Regulations (CFR), Title 49, Parts 191, 192, 193, 195, 199, and Part 40 (minimum safety standards for construction and maintenance of natural gas, other gases and hazardous liquid pipeline facilities, and pipeline operator's alcohol and drug enforcement programs).

The Arizona Corporation Commission ("Commission") has been granted agent status allowing it to enforce the Federal Pipeline Safety Standards. To maintain that status the Commission must, pursuant to the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act, adopt and keep current with the Federal Pipeline Safety Standards.

The Commission believes that through the adoption and incorporating by reference of CFR Title 49 updates, the rules will be consistent with the Federal Regulations and will enhance public safety that will be in the best interest of all citizens in the State of Arizona.

In its comments filed with the Commission, ASARCO Incorporated ("ASARCO"), Arizona Fueling Facilities Corporation ("AFFC"), and Southwest Gas Corporation ("SWG") all raised concerns about Staff's proposed rules. All three parties also raised their concerns at the Public Comment hearing.

ASARCO and AFFC were concerned that the Commission's proposed deletion of "public service corporations" would in essence, expand the jurisdiction of the Commission in violation of the Arizona Constitution.

SWG offered additional language to clarify existing verbiage in R14-5-203.

R14-5-201

Issue: In its original proposed amendments to the Rules as published in the September 22, 2000 Arizona Administrative Register, Staff proposed to add references to liquefied

natural gas to the definitions. Staff also proposed the deletion of references to "public service corporations."

On October 19 and 26, 2000, ASARCO and AFFC, respectively, filed comments expressing concern that the Commission's proposed deletion of "public service corporations" would in essence, expand the jurisdiction of the Commission in violation of the Arizona Constitution.

ASARCO and AFFC also voiced their objection to the deletion of "public service corporations" from R14-5-201 at the Public Comment hearing on November 2, 2000.

At the Public Comment hearing, and in comments filed on October 31, 2000, Staff agreed not to delete any references to "public service corporations" from R14-5-201.

Analysis: In its October 31, 2000 comments, Staff indicated that its deletion of references to "public service corporations" was inadvertent.

The proposed amendments will also update the Rules to incorporate the most recent amendments to the Code of Federal Regulations.

Resolution: The Rules shall retain all references to "public service corporations" as they currently state. The Rules shall also be amended as included in Appendix B.

R14-5-202

Issue: The proposed amendments update the Rules to incorporate the most recent amendments to the Code of Federal Regulations.

Analysis: The proposed amendments incorporate the 1999 revision of NACE Standard MR0175, to replace the 1980 revision and the 1995 Edition of RP55 to replace the 1981 Edition. The proposed amendments also permit the pipeline operator and the property owner a means of resolving building encroachments over a pipeline and establish a time frame for removal of meter set assemblies that have been out of service for a period of 36 months. The proposed amendments also permit the pipeline operator and the property

owner a means of resolving encroachments within the required three (3) foot clearance between an electrical source, opening into a building or an air intake into a building, and a gas regulator that might release gas in its operations.

No parties opposed the proposed amendments.

Resolution: Staff's proposed amendments to the Rule should be adopted. The Rules shall also be amended as included in Appendix B.

R14-5-203

Issue: The proposed amendments will require written incident reports regarding liquefied natural gas to be in an investigative form defining the incident and the action taken to prevent the incident from reoccurring.

Analysis: The proposed amendments establish a format for filing required written reports of an incident at liquefied natural gas facilities.

SWG also filed comments seeking to add a condition to the requirement of incident reports filed by telephone. SWG seeks to add language that limits telephone reports due to a discontinuance of gas service to a master meter system or when assisting with the isolation of any portion of a gas meter system "due to a failure of a leak test."

Staff agreed to the language proposed by SWG.

Resolution: Staff's proposed amendments should be adopted and SWG's proposed changes should be incorporated as elicited in Appendix B.

R14-5-204

Issue: Staff's proposed amendments will update the dates and addresses listed in the Rule.

Analysis: The proposed amendments are logical and practical. No parties objected to Staff's proposed amendments.

Resolution: Staff's proposed amendments to the Rule should be adopted. The Rules shall be amended as included in Appendix B.

R14-5-205

Issue: Staff's proposed amendments add references to public service corporations and update the rules by changing the dates of the revision of Federal rules.

Analysis: The proposed amendments are logical and practical. No parties objected to Staff's proposed amendments.

Resolution: Staff's proposed amendments to the Rule should be adopted. The Rules shall be amended as included in Appendix B.

The Attorney General's Office has reviewed these rules in accordance with ARS § 41-1041 and has proposed the following, non-substantive modifications noted in bold-face type:

R14-5-201. Definitions

As used in this Article:

11. "Sandy type soil" means sand no larger than "coarse" as defined by ASTM D-2487-83 (1983 Edition), incorporated by reference (and no future amendments) and on file with the Office of the Secretary of State **and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007.**

R14-5-202. Construction and Safety Standards

- B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C), the Commission adopts, incorporates, and approves as its own 49 CFR 40, 191, 192 except I (2) and (3) of Appendix D to Part 192, 193, 195, except 195.1(b)(2) and (3), and 199, revised as of March 1, 2000 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the **Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona**

85007 and the United States Government Printing Office, P.O. Box 371975M,
Pittsburgh, Pennsylvania 15250-7975.

- E.** Operators of an intrastate pipeline transporting sour gas or oil are subject to industry standards addressing facilities handling hydrogen sulfide (H₂S). Standards adopted are:
1. NACE Standard MR-0175-99 (1999 Revision); (and no future revisions), Standard Materials Requirements-Sulfide Stress Cracking Resistant Metallic Material for Oilfield Equipment, incorporated by reference and no future amendments. Copies are available from the **Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** NACE International, P.O. Box 218340, Houston, Texas 77218-8340 and on file with the Office of the Secretary of State.
 2. API RP55 (1995 Edition); (and no future amendments), API recommended practice for conducting oil and gas production operations involving hydrogen sulfide, incorporated by reference and no future amendments. Copies are available from **the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** CSSINFO, 310 Miller Avenue, Ann Arbor, Michigan, 48103 and on file with the Office of the Secretary of State.
- J.** Operators of an intrastate pipeline transporting LNG, natural gas, other gases or hazardous liquid will utilize a cathodic protection system designed to protect the metallic pipeline in its entirety, in accordance with 49 CFR 192, Subpart I, March 1, 2000 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the **Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** United States Government Printing

Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975 except I (2) and (3) of Appendix D to Part 192 shall not be utilized.

- K.** Operators of an intrastate pipeline transporting natural gas or other gas will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F, ~~July 13, 1998~~ **March 1, 2000** (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from **the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- P.** Operators of an intrastate pipeline transporting natural gas or other gas pipeline system that construct an underground pipeline system using plastic pipe will install the pipe with sufficient slack to allow for thermal expansion and contraction. In addition, all plastic pipe shall be marked CD or CE as required by ASTM D2513-95c (1995c Edition and no future editions), incorporated by reference, on file with the Office of the Secretary of State, and copies available from **the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, for areas where the service temperature is above 100°F.
- Q.** Operators of an intrastate pipeline system transporting hazardous liquid, natural gas or other gases shall qualify welding procedures and shall perform welding of steel pipelines in accordance with API Standard 1104. Each welder must be qualified in accordance with API Standard 1104, **49 CFR 192, appendix A**. The qualification of welders delineated in 49 CFR 192, appendix C may be used for low stress level pipe.

R. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system shall survey and grade all detected leakage by the following guide: ASME Guide for Gas Transmission and Distribution Pipeline System, Guide Material, Appendix-G-11-1983 except 4.4(c) (1983 Revision and no future revisions), incorporated by reference and on file with the Office of the Secretary of State and copies available from **the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the ASME, United Engineering Center, 345 East 47th Street, New York, N. Y. 10017.**

R14-5-203. Pipeline Incident Reports and Investigations

C. Require written incident report:

2. Written incident reports concerning natural gas or other gas pipeline systems will be in the following form:
 - a. RSPA F7100.1 - Distribution System: Incident Report, incorporated by reference and on file with the Office of the Secretary of State **and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007.**
 - b. RSPA F7100.2 - Transmission and Gathering System: Incident Report, incorporated by reference and on file with the Office of the Secretary of State **and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007.**
 - c. Written incident reports with respect to LNG facilities will be in an investigative form defining the incident and corrective action taken to prevent a reoccurrence.

3. Operators of an intrastate pipeline transporting hazardous liquid will make a written incident report on DOT Form 7000-1, incorporated by reference and on file with the Office of the Secretary of State, **and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix Arizona 85007**, when there is a release of hazardous liquid which results in any of the following:

R14-5-204. Annual Reports

- A. Except for operators of an intrastate pipeline transporting LNG, hazardous liquid, all other intrastate pipeline operators will file with the Office of Pipeline Safety, not later than March 15, for the preceding calendar year, the following appropriate report(s):
 1. RSPA F7100.1-1 (November 1985 Edition and no future editions) - "Annual Report for Calendar Year 20___, Gas Distribution System" and "Instructions for Completing RSPA Form F7100.1-1, Annual Report for Calendar Year 20___, Gas Distribution System", incorporated by reference, on file with the Office of the Secretary of State, and copies available from the **Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 8417, 400 Seventh Street, S.W., Washington, D.C. 20590.
 2. RSPA F7100.2-1 (November 1985 Edition and no future editions)- "Annual Report for Calendar Year 20___, Gas Transmission and Gathering Systems" and "Instructions for Completing Form RSPA F7100.2-1, Annual Report for Calendar Year 20___, Gas Transmission and Gathering Systems", incorporated by

reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 8417, 400 Seventh Street, S.W., Washington, D.C. 20590.

R14-5-205. Master Meter System Operators

- B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C), the Commission adopts, incorporates, and approves as its own 49 CFR 191 and 192, ~~revised as of December 14, 1999~~ **March 1, 2000** (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- G. Operators of a master meter system will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F, ~~July 13, 1998~~ **March 1, 2000** (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.

- J. Operators of a master meter system that construct an underground pipeline using plastic pipe will install the pipe with sufficient slack to allow for thermal expansion and contraction. In addition, all plastic pipe shall be marked CD as required by ASTM D2513-95c (1995c Edition and no future editions), incorporated by reference, on file with the Office of the Secretary of State and copies available from **the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, for areas where the service temperature is above 100°F.
- K. Operators of a master meter gas system shall qualify welding procedures and shall perform welding of steel pipelines in accordance with API Standard 1104. Each welder must be qualified in accordance with API Standard 1104, **49 CFR 192, appendix A.**
- O. Operators of a master meter system will perform leakage surveys at intervals not exceeding 15 months but at least once each calendar year and will survey and grade all detected leakage by the following guide -- ASME Guide for Gas Transmission and Distribution Pipeline System, Guide Material, Appendix G-11-1983 (1983 Revision and no future revisions), except 4.4(c), incorporated by reference, on file with the Office of the Secretary of State, and copies available from **the Commission Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007 and the** ASME, United Engineering Center, 345 East 47th Street, New York, New York 10017. ("Should" as referenced in the guide will be interpreted to mean "shall".) Leak detection procedures shall be approved by the Office of Pipeline Safety.

APPENDIX D
STATEMENT OF EFFECT ON SMALL BUSINESS
AND
ECONOMIC IMPACT STATEMENT

STATEMENT OF EFFECT ON SMALL BUSINESS

1. **Small Business Subject to the Rules:** These rules do not change the responsibilities of master meter operators already established in 1970 by the adoption by the Commission of the Code of Federal Regulations, Title 49, Parts 191 and 192.

2. **Professional Skills and Reporting and Bookkeeping Procedures Required for Compliance:** No professional skills are required, the reporting and bookkeeping requirements are less than previously required.

3. **Description of Methods Used to Reduce Impact on Small Businesses:** The changes are designed to reduce the impact on small businesses. There are no new requirements that would impact the small business community.

4. **Feasibility and Legality of Methods in three (3) above:**
Not applicable.

**ECONOMIC IMPACT STATEMENT
PER A.R.S. SECTION 41-1055**

1. **BRIEF DESCRIPTION:** These amendments will amend already existing rules. (R14-5-201 through R14-5-205) under Chapter 5 entitled "Transportation".

The proposed amendments to the existing rules are designed to update the Arizona Corporation Commission Pipeline Safety rules to recognize the amendments to Title 49, Code of Federal Regulations (CFR) Parts 40, 191, 192, 193, 195 and 199 as of March 1, 2000 (Minimum Safety Standards for Construction, Operation and Maintenance of natural gas, other gases and hazardous liquid pipeline facilities).

2. **NEED:** The Commission has been granted agent status allowing it to enforce the Federal Pipeline Safety Standards. To maintain that status the Commission must, pursuant to the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act, adopt and keep current with the Federal Pipeline Safety Standards.

The Commission believes that through the adoption and incorporating by reference of CFR Title 49 updates, the rules will be consistent with the Federal Regulations and will enhance public safety which will be in the best interest of all citizens' in the State of Arizona

3. **AFFECTED CLASSES OF PERSONS:**
- A. Operators of master meter gas distribution systems.
 - B. Intrastate operators of natural gas and other gas pipelines.
 - C. Intrastate operators of hazardous liquid pipelines.

4. **RULE IMPACT ON AFFECTED CLASSES OF PERSONS:**

- A. The rule will simplify filing requirements on master meter system operators if they are already complying with the Federal Pipeline Safety Regulations. The rule will simplify filing requirements for intrastate pipeline operators.
- B. There will be no impact on operators of natural gas or other gas systems if they are already complying with the Federal Pipeline Safety Standards.
- C. There will be no impact on operators of hazardous liquid pipelines if they are already complying with the Federal Pipeline Safety Standards.

5. **COST AND BENEFITS TO THE AGENCY:** The Commission will have less paper to file from master meter operators and will be able to better maintain safety for the general public. The amendments to the rules will have no effect on other state agencies.

6. **COST AND BENEFITS TO POLITICAL SUBDIVISIONS:** There will be no impact on political subdivisions if they are already complying with the Federal Pipeline Safety Regulations.

7. **COST AND BENEFITS TO PRIVATE PERSONS:** There will be no additional cost to taxpayers, ratepayers or customers. The impact of the rule changes is to provide the taxpayers, ratepayers and customers with improved safety and to assure that all construction, operation and maintenance is accomplished in accordance with the established minimum safety standards.
8. **COST AND BENEFITS TO CONSUMERS OR USERS OF ANY PRODUCT OR SERVICE IN THE IMPLEMENTATION OF THE NEW RULES:** The new rules will have no effect upon consumers or users of the gas service provided by regulated public utilities as they presently are required to be in compliance with all standards, but, this will benefit consumers, users and the general public by maintaining a safe pipeline system.
9. **LESS COSTLY OR INTRUSIVE METHODS:** The proposed rules are the least costly method for obtaining compliance with the long standing minimum safety standards. The rules do not impose additional standards. There is no less intrusive method.
10. **ALTERNATIVE METHODS CONSIDERED:** There are no alternative methods available to achieve the standardization of pipeline construction, training and enhancement of safety.