

Navigating North Dakota Regulatory Requirements

October 14, 2010

2:00 pm – 4:00 pm

Agenda

- ND PSC
- FERC
- PHMSA
- ND Dept of Health

Tips For Viewers

- Q&A tab at the top of screen for questions
- Close all other applications on your computer: Outlook, etc

This meeting is being recorded and will be available at: www.pipeline.nd.gov

Public Service Commission jurisdiction and process for siting transmission corridors and routes

North Dakota Public Service Commission

www.psc.nd.gov

701-328-2400

Commissioners



Kevin Cramer
Chairman



Tony Clark



Brian P. Kalk



Energy Conversion and Transmission Facility Siting

- ▶ Authority – Energy Conversion and Transmission Facility Siting Act – North Dakota Century Code chapter 49–22
- ▶ Rules – North Dakota Administrative Code Chapter 69–06

Legislative policy statement

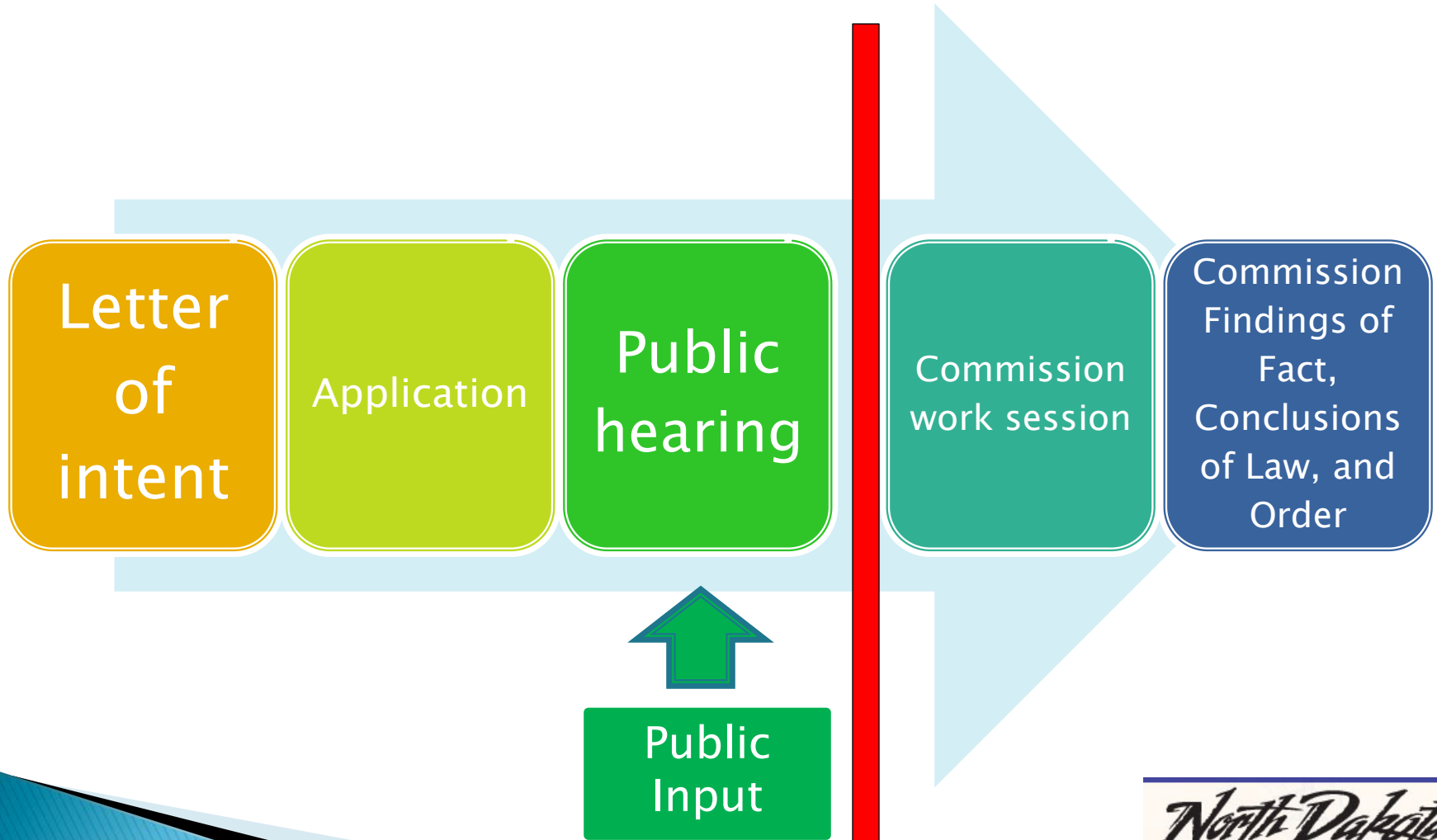
“The legislative assembly finds that the construction of energy conversion facilities and transmission facilities affects the environment and the welfare of the citizens of this state. Therefore, it is necessary to ensure that the location, construction, and operation of energy conversion facilities and transmission facilities will produce minimal adverse effects on the environment and upon the welfare of citizens of this state by providing that no energy conversion facility or transmission facility shall be located, constructed, and operated within this state without a certificate of site compatibility or a route permit acquired pursuant to this chapter. The legislative assembly hereby declares it to be the policy of this state to site energy conversion facilities and to route transmission facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy, sites and routes shall be chosen which minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion. N.D. Cent. Code § 49-22-02 (1975).

What is transmission?

- ▶ An electric transmission line and associated facilities with a design in excess of 115kV
- ▶ A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide

N.D. Cent. Code § 49-22-03(12) (2009)

Corridor and route permit application process



Transmission facility corridor and route criteria

- ▶ Exclusion areas
- ▶ Avoidance areas
- ▶ Selection criteria
- ▶ Policy criteria

Exclusion areas

N.D. Admin. Code §69-06-08-02(1) (2006)

- ▶ a. Designated or registered national: parks; memorial parks; historic sites and landmarks; natural landmarks; monuments; and wilderness areas.
- ▶ b. Designated or registered state: parks; historic sites; monuments; historical markers; archaeological sites; and nature preserves.
- ▶ c. County parks and recreational areas; municipal parks; and parks owned or administered by other governmental subdivisions.
- ▶ d. Areas critical to the life stages of threatened or endangered animal or plant species.
- ▶ e. Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.

Avoidance areas

N.D. Admin. Code §69-06-08-02(2) (2006)

- ▶ a. Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.
- ▶ b. Designated or registered state: wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands.
- ▶ c. Historical resources which are not specifically designated as exclusion or avoidance areas.
- ▶ d. Areas which are geologically unstable.
- ▶ e. Within five hundred feet [152.4 meters] of a residence, school, or place of business. This criterion shall not apply to a water pipeline transmission facility.
- ▶ f. Reservoirs and municipal water supplies.
- ▶ g. Water sources for organized rural water districts.
- ▶ h. Irrigated land. This criterion shall not apply to an underground transmission facility.
- ▶ i. Areas of recreational significance which are not designated as exclusion areas.

Selection criteria

N.D. Admin. Code §69-06-08-02(3) (2006)

- ▶ a. The impact upon agriculture:
 - (1) Agricultural production.
 - (2) Family farms and ranches.
 - (3) Land which the owner can demonstrate has soil, topography, drainage, and an available water supply that cause the land to be economically suitable for irrigation.
 - (4) Surface drainage patterns and ground water flow patterns.
- ▶ b. The impact upon:
 - (1) Noise-sensitive land uses.
 - (2) The visual effect on the adjacent area.
 - (3) Extractive and storage resources.
 - (4) Wetlands, woodlands, and wooded areas.
 - (5) Radio and television reception, and other communication or electronic control facilities.
 - (6) Human health and safety.
 - (7) Animal health and safety.
 - (8) Plant life.

Policy criteria

N.D. Admin. Code §69-06-08-02(4) (2006)

- ▶ a. Location and design.
- ▶ b. Training and utilization of available labor in this state for the general and specialized skills required.
- ▶ c. Economies of construction and operation.
- ▶ d. Use of citizen coordinating committees.
- ▶ e. A commitment of a portion of the transmitted product for use in this state.
- ▶ f. Labor relations.
- ▶ g. The coordination of facilities.
- ▶ h. Monitoring of impacts.
- ▶ i. Utilization of existing and proposed rights of way and corridors.
- ▶ j. Other existing or proposed transmission facilities.

Additional State regulatory requirements and permits

- ▶ Department of Transportation
- ▶ Highway Patrol
- ▶ Department of Health
- ▶ Game and Fish
- ▶ Historical Society
- ▶ Geological Survey
- ▶ Parks and Recreation
- ▶ Department of Agriculture
- ▶ Land Department
- ▶ Others

Federal regulatory requirements

- ▶ U.S. Fish and Wildlife Service
- ▶ National Park Service
- ▶ Natural Resource Conservation Service
- ▶ Environmental Protection Agency
- ▶ U.S. Army Corps of Engineers

Additional issues addressed by the Commission at hearing and in its orders

- ▶ Setbacks
 - Occupied residences and other buildings
 - Roads
 - Existing transmission lines
 - Railroads
 - Property boundaries
 - Others

Additional Commission jurisdiction over pipelines

- ▶ Establishment and enforcement of rates or charges and regulations by common pipeline carriers for receiving, gathering, transporting, loading, delivering, and incident storing of crude petroleum, coal or gas purchased or sold in North Dakota; and
- ▶ Enforcement of safety requirements for intrastate distribution and transmission of natural gas

What is a Common Pipeline Carrier?

Every person:

- ▶ 1. Owning, operating, or managing any pipeline or any part of any pipeline within this state for the transportation of crude petroleum, gas, coal, or carbon dioxide to or for the public for hire, or engaged in the business of transporting crude petroleum, gas, coal, or carbon dioxide by pipelines;
- ▶ 2. Owning, operating, managing, or participating in the ownership, operation, or management of, under lease, contract of purchase, agreement to buy or sell, or other agreement or arrangement of any kind whatsoever, any pipeline, or any part of any pipeline, for the transportation of crude petroleum, gas, or coal bought from others from any oil, gas, or coal field or place of production, to any distributing, refining, or marketing center or reshipping point;
- ▶ 3. Engaged in the business of producing, purchasing, transporting for hire or transporting for sale within this state of natural gas, which is transported through pipelines, or any part of a pipeline, the right of way for which is granted or secured under the provisions of this chapter or, subject to chapter 32-15, through the exercise of the right of eminent domain; or
- ▶ 4. Made a common carrier by or under the terms of a contract with or in pursuance of the laws of the United States,

is a common carrier and is subject to the provisions of this chapter as a common pipeline carrier.

N.D. Cent. Code Ch. 49-19

Special Powers of the Commission over Common Pipeline Carriers

- ▶ The commission shall take reports from and investigate the books and records kept by any pipeline carrier in connection with its business and make required the company to make monthly reports showing the total quantity of crude petroleum owned by the carrier, the amount held for others, and its unfilled storage capacity.
 - N.D. Cent. Code §49-19-02

Tariff filings

- ▶ Common pipeline carriers shall make and publish their tariffs under such rules and regulations as may be prescribed by the commission.
 - N.D. Cent. Code §49-19-17

Questions?

North Dakota Public Service Commission

Kevin Cramer, Commissioner

Tony Clark, Commissioner

Brian P. Kalk, Commissioner

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Federal Energy Regulatory Commission Process for Siting Natural Gas Infrastructure



**North Dakota Pipeline Authority
October 14, 2010**

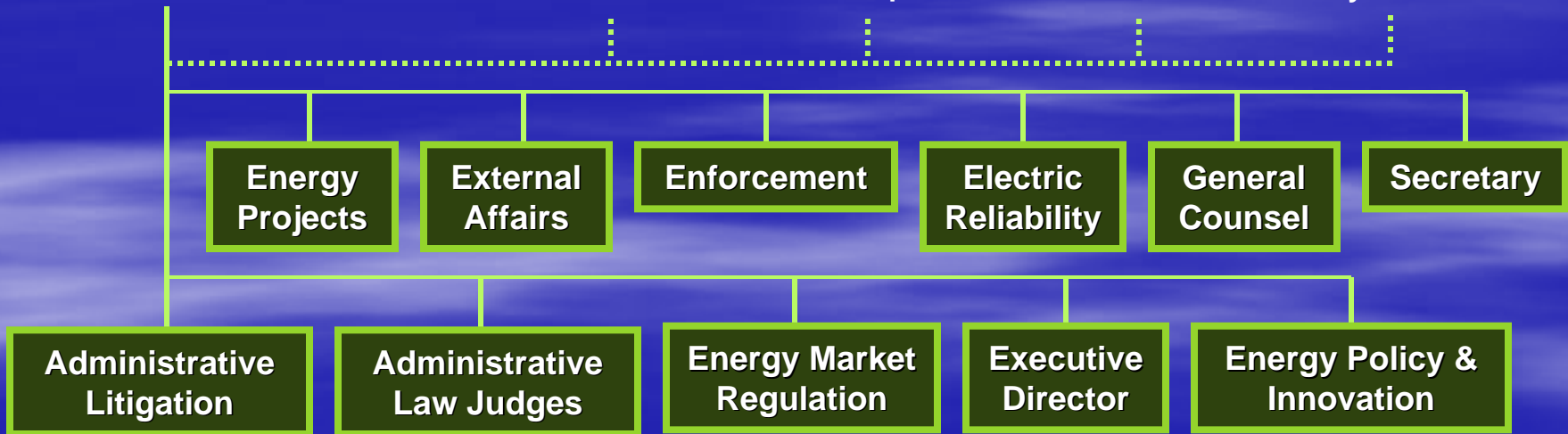
Richard W. Foley, Branch Chief
Division of Pipeline Certificates

Douglas A. Sipe, Outreach Manager
Division of Gas—
Environment & Engineering

FERC Organizational Structure



Chairman Jon Wellinghoff **Commissioner** Philip D. Moeller **Commissioner** Marc Spitzer **Commissioner** John R. Norris **Commissioner** Cheryl A. LaFleur



FERC Facts

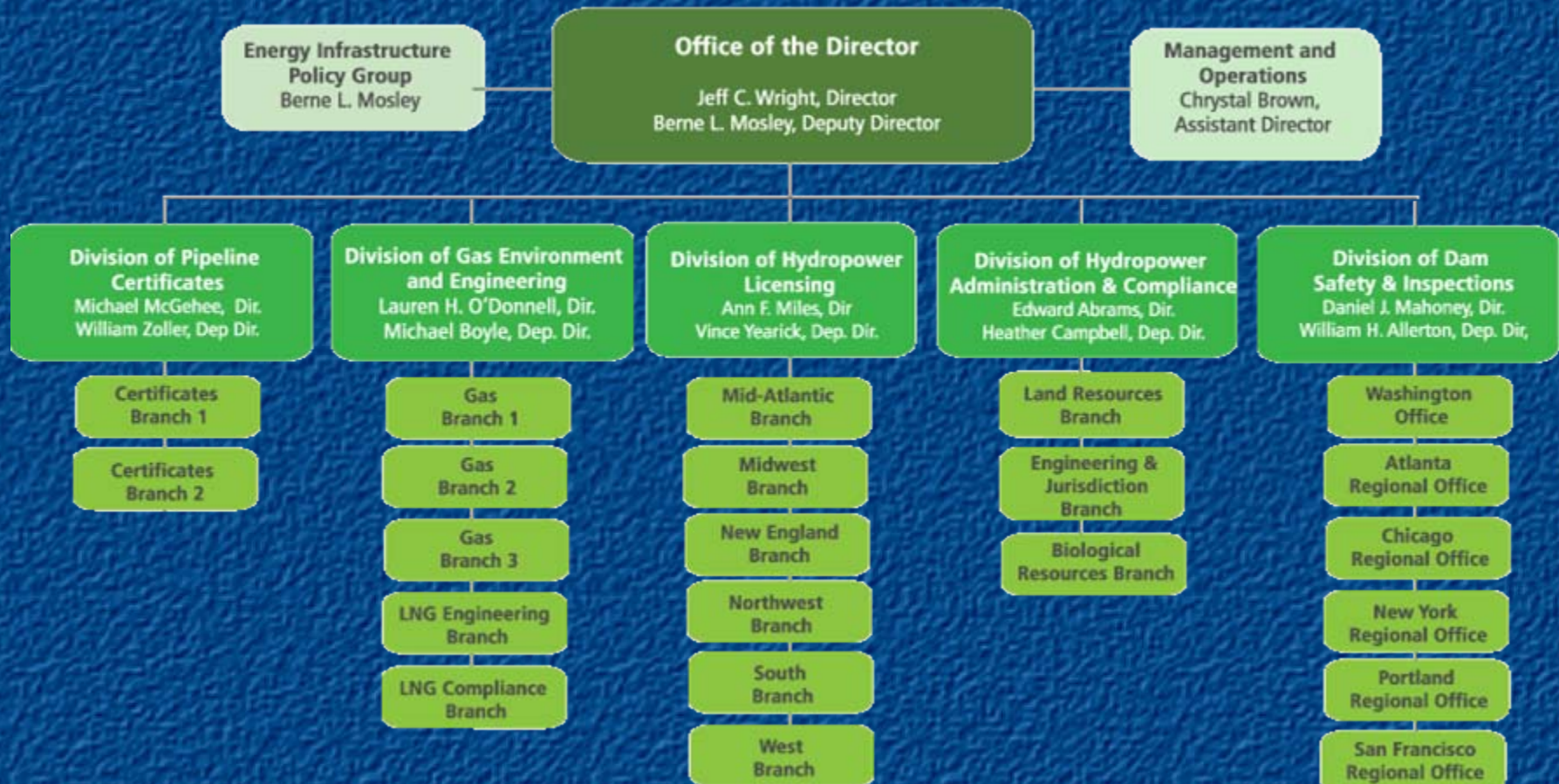


- The Commission is composed of five Commissioners, appointed by the President and confirmed by the Senate.
- One member of the Commission is designated by the President to serve as Chair and FERC's administrative head.
- Commissioners serve 5-year staggered terms and have an equal vote on regulatory matters.
- No more than three Commissioners may belong to the same political party.
- As an independent regulatory agency, the Commission's decisions are not subject to review by the President or Congress.
- The Commission is funded through costs recovered by fees and annual charges from the industries it regulates.

Office of Energy Projects



Office of Energy Projects (OEP)



Office of Energy Projects - Functions



- OEP has the engineering and environmental expertise to:
 - certificate new gas pipeline projects,
 - Authorize LNG import / export projects
 - authorize and monitor hydroelectric projects, provide “backstop authority” to site electric transmission facilities, and
 - analyze energy infrastructure needs and policies.
- OEP focuses on:
 - project siting and development,
 - balancing environmental and other concerns,
 - ensuring compliance,
 - safeguarding the public, and
 - providing infrastructure capacity information.
- Other FERC Offices
 - OGC has corresponding hydro and pipeline legal responsibilities
 - Other offices also have input to our products



Gas Pipeline Program

- Evaluate applications for facilities to import, export, transport, store or exchange natural gas
- Authorize the construction and operation of facilities for such services
- Approve abandonment of such facilities
- Conduct environmental reviews of proposals involving construction, modification, or abandonment
- Implement the “Pre-Filing Process”
- Conduct inspections of LNG facilities and pipeline construction



Natural Gas Act

- The Natural Gas Act is the law that sets out FERC's areas of responsibilities:
 - Section 1 – Identifies projects exempt from FERC jurisdiction
 - Section 3 – Allows FERC to authorize import / export projects
 - Section 7 – Allows FERC to authorize interstate pipeline projects (including storage)

Projects Exempt from FERC Jurisdiction



- Local Distribution Company facilities (e.g., UGI, Philadelphia Gas Works, etc.)
- Intrastate pipelines (where gas is produced, transported and consumed within a single state)
- Hinshaw pipelines (gas is produced in one state, but is received at the state border of another and transported and consumed within that state)
- Gathering facilities

Project Evaluation








How Does FERC Evaluate All Of These Major Projects?

What Are The Criteria Used in This Evaluation?



Balancing Interests

People Like...		But They Also Want...
Due Process		Expedited Process
Smaller Government		Effective Government
Less Regulation		Assurance of Fair Markets
Market-dictated Outcomes		Protection from Market Dysfunctions, Unexpected Risk, and Unjust Rates
Protection for the Environment and Property Interests		Ample Supplies of Low-cost Energy

FERC's Internal Review Process



- Initial review for completeness
(10 business days)
- Issue notice of application
- Assign review team
 - Environmental
 - Certificates
 - Rates
 - Attorney
 - Engineering

Certificate Process Overview



Non-Environmental Review and Analysis

- Engineering – GQI, storage, hydraulic flow
- Tariff – rates, terms & conditions of service
- Policy – precedents, rules, regulations
- Accounting

Application Filed

Parallel Processing Paths

Environmental Review and Analysis

- Biological – fish, wildlife, vegetation
- Cultural – historic preservation
- Land use – recreation, visual impacts
- Soils and geologic
- Air and noise – quality, loudness
- Socioeconomic impacts
- System alternatives

Order
Issued

Final Steps of the FERC Process



- Environmental and non-environmental aspects are brought together into a draft Commission Order
- The draft Order contains analysis and staff-recommended, project-specific requirements, for consideration by the Commission
- The Commission can reject, accept, and/or modify staff's recommendation
- If a project is approved, the project proponent is issued a certificate of public convenience and necessity

Final Steps of the FERC Process



- For approved pipeline and storage projects, the right of eminent domain is automatically conferred by section 7(h) of the NGA
- Authority issued to import / export projects (including LNG terminals) under Section 3 of the NGA does NOT include eminent domain
- The certificate is valid for the life of the project (i.e., the certificate never expires)
- Abandonment of facilities must be approved by the Commission under section 7(b) of the NGA

Is the FERC Final Decision Really Final?



- Intervenors (i.e., those who have filed a formal motion to intervene) may seek rehearing of the FERC decision
- The Commission may grant in full, grant in part, deny in part or deny in full any rehearing requests
- If Intervenors are not satisfied the result of FERC's Order on Rehearing, they may seek judicial review at the Court of Appeals.
- If not satisfied with the Appellate Decision, parties may seek judicial review at the Supreme Court – this is a very rare occurrence



State and Local Permits

- FERC encourages cooperation between interstate pipelines and local authorities.
- During the environmental review, staff works with state and local permitting agencies to identify and minimize conflicting requirements
- If the Commission approves a project, state or local permits must be consistent with the conditions of any FERC certificate
- State and local agencies may not prohibit or unreasonably delay the construction or operation of facilities approved by the Commission

The Environmental Review Process



National Environmental Policy Act



- Is the project categorically excluded?
 - Projects with little or no impact (e.g., sale of pipe or abandonment in place)
- Environmental Assessment or Environmental Impact Statement
 - Level of environmental impacts
 - significant (EIS) or less than significant (EA)
 - Applicant-proposed mitigation
 - Anticipated public controversy

Phases of Project Review



- Project Preparation
 - The applicant working on its own
- Pre-Filing
 - FERC staff working with the applicant and stakeholders before the filing of an application
- Application Review
 - FERC staff working with the applicant and stakeholders after the filing of an application
- Post-Authorization
 - FERC staff working with the applicant and stakeholders to ensure compliance with conditions to the FERC approval



The Pre-Filing Process

- Voluntary for pipelines, required for LNG facilities
- Used for projects requiring an EIS, or an EA where controversy is likely
- Normally requires the applicant to hire and fund a contractor to prepare EA/EIS
 - Staff selects contractor from list of three provided by the applicant
 - Contractor works solely under Staff's direction

Goals of the Pre-Filing Process



- Early identification and resolution of environmental issues
- More direct interaction between FERC staff and stakeholders
- Interactive, concurrent NEPA/permitting process, no shortcuts
- FERC staff are advocates of the Process, not the Project!
- Goal of “no surprises” when application is filed



Pre-Filing Requirements

- Project sponsor selects pipeline routes and begins surveys and studies
- Meet with staff regarding proposed project
- Submit draft RFP for 3rd-party contract and draft PF request for staff review
- File PF request
- Complete at least 6 months of PF review

FERC Staff Pre-Filing Activities



- Identify affected parties:
 - landowners
 - agencies
 - other stakeholders
- Facilitate identification of issues
- Identify study needs
- Facilitate resolution of issues
- Issue scoping notice
- Examine alternatives
- Arrange and attend site visits and meetings
- Initiate preparation of preliminary NEPA document
- Review draft resource reports

Public Involvement During Pre-Filing Review



The FERC Process

- Project sponsor holds Open Houses; FERC staff participates
- Issue Notice of Intent to Prepare the NEPA Document (i.e., scoping)
- Hold scoping meetings

Public Input

- Contact the project sponsor w/questions, concerns; contact FERC
- Send letters expressing concerns about environmental impact
- Attend scoping meetings

The Environmental Report

(13 Resource Reports)



1. General Project Description
2. Water Use & Quality
3. Fish, Wildlife & Vegetation
4. Cultural Resources
5. Socioeconomics
6. Geological Resources
7. Soils
8. Land Use, Recreation & Visual Impacts
9. Air & Noise Quality
10. Alternatives
11. Reliability & Safety
12. PCB Contamination (for pipelines only)
13. LNG Engineering & Design Details

Public Involvement During Application Review



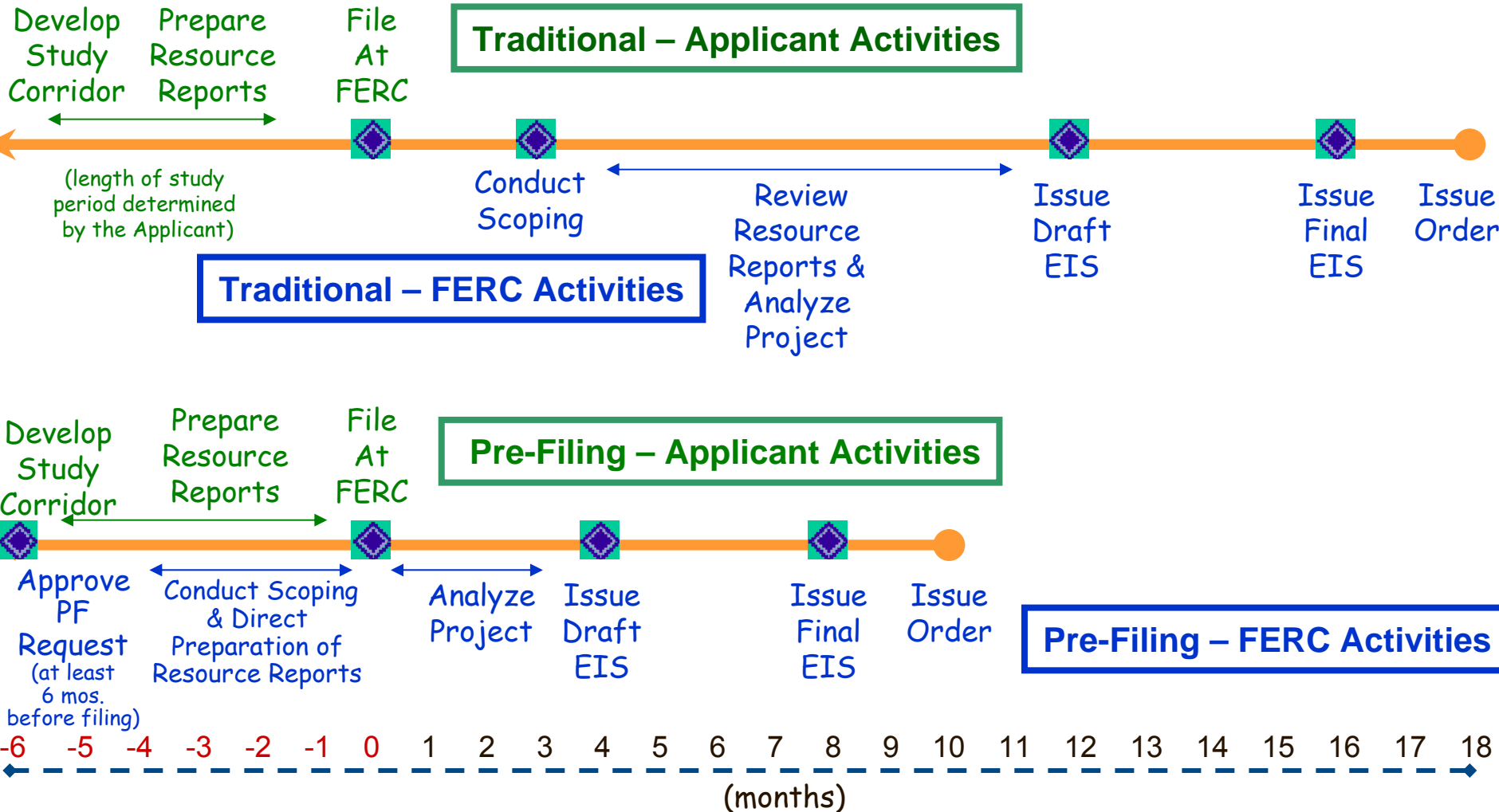
The FERC Process

- Issue Notice of the Application
- Issue Notice of Availability of the DEIS
- Hold Public Meetings on DEIS
- Issue a Commission Order

Public Input

- File an Intervention; register for e-subscription
- File comments on the adequacy of DEIS
- Attend public meetings to give comments on DEIS
- Interveners can file a request for rehearing of the Commission Order

Timelines: Traditional vs. Pre-Filing Process





Working Together

- Pre-filing works when all permitting agencies participate in the process
- Being a cooperating agency
- Benefits to FERC
- Benefits to the cooperating agency
- Responsibilities of agencies issuing federal authorizations



After FERC Approval...

- Staff ensures compliance with any conditions to the approval
- Staff conducts regular inspections during and construction and restoration
- Opportunities still exist for minor route adjustments per landowner needs
 - Cannot affect other landowners
 - Cannot impact sensitive environmental resources

Questions



Contact Info:



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**Pipeline and
Hazardous Materials
Safety Administration**



Pipeline Program Overview

Harold Winnie

**Community Assistance and Technical
Services Project Manager**

October 14, 2010



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Today's Topics

- **PHMSA Overview**
- **Who Regulates What?**
- **Where to Find Regulations**
- **Part 192 Natural Gas**
- **Part 195 Hazardous Liquids**



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Pipeline Safety Program

Mission Statement

“To ensure the safe, reliable, and environmentally sound operation of the Nation’s pipeline transportation system.”



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Role of Pipelines

- 2.5 million miles of energy pipelines transport 2/3 of U.S. energy consumption
- Support our basic human needs, economic mobility, and security
 - Direct: gasoline, natural gas, propane
 - Indirect: electric generation, telecommunications, water supply
- Interdependencies between pipelines and other vital services are not well understood



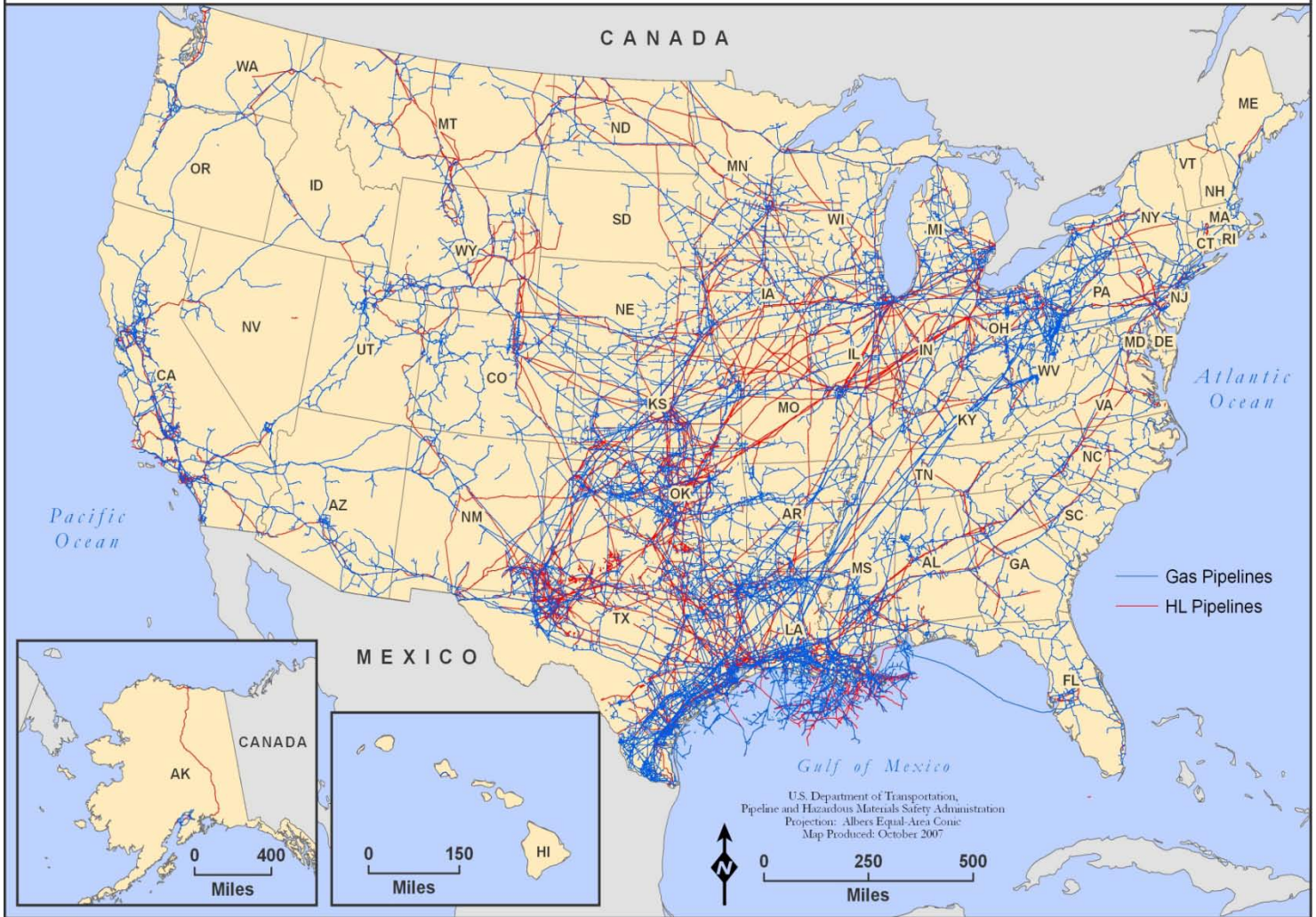
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Gas and Hazardous Liquid Transmission Pipelines Pipelines as of 10/08/07



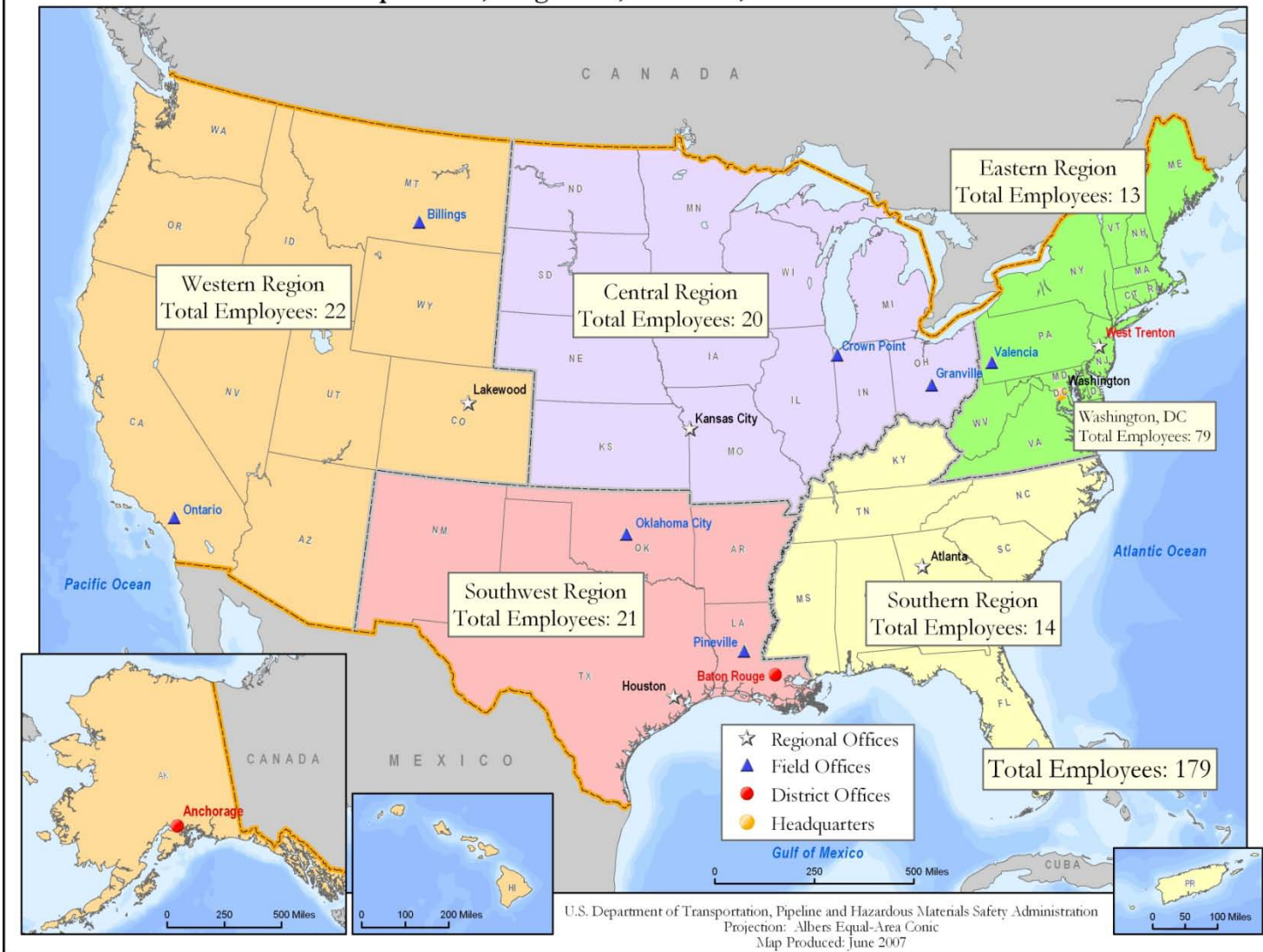


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Pipeline and Hazardous Materials Safety Administration



Pipeline and Hazardous Materials Safety Administration Headquarters, Regional, District, and Field Offices



U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration
Projection: Albers Equal-Area Conic
Map Produced: June 2007



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Who Regulates What

- **Intrastate Natural Gas**
 - **ND PSC Bob Bachmeier**
- **Intrastate Hazardous Liquids**
- **Interstate Natural Gas**
- **Interstate Hazardous Liquids**



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PHMSA Regulations

**49 CFR Parts 190–199 and 49 CFR Part 40
(Alcohol and Drug Abuse Regs) is:**

www.phmsa.dot.gov/pipeline

- **Click on “Training & Qualifications”**
- **Click on “Regulatory Information”**
- **Click on the part you want**



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Federal Regulations

- Go to <http://ecfr.gpoaccess.gov/>
- Select “Title 49” from drop down
- Click “Go”
- Select “Volume 3” “Parts 186-199”
- Review Parts 190 through 199



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Docket Access

- **Go to www.regulations.gov**
- **Enter the Docket Number in the “Key Word or ID” and click “Search”**
- **If you don’t have the docket number, use the key word search to find the docket number**
- **All of the Federal Register notices will be in the docket along with all public comments and copies of the proposed new forms**



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PHMSA FORMS

**All current PHMSA Forms are available at the
PHMSA Web site:**

www.phmsa.dot.gov/pipeline

- **Find “Library” in the middle of the home page**
- **Click on “Forms”**
- **Click on the Form you want**



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Hazmat Safety

Part 192

Natural Gas Regulations

- **Gas means natural gas, flammable gas, or gas which is toxic or corrosive**



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§192.1 What is the scope of this part?

(a) This part prescribes minimum safety requirements for pipeline facilities and the transportation of gas including pipeline facilities and the transportation of gas within the limits of the outer continental shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).



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This part does not apply to—

- (1) Offshore gathering of gas in State waters upstream from the outlet flange of each facility where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream;**
- (2) Pipelines on the Outer Continental Shelf (OCS) that are producer-operated and cross into State waters without first connecting to a transporting operator's facility on the OCS, upstream (generally seaward) of the last valve on the last production facility on the OCS. Safety equipment protecting PHMSA-regulated pipeline segments is not excluded. Producing operators for those pipeline segments upstream of the last valve of the last production facility on the OCS may petition the Administrator, or designee, for approval to operate under PHMSA regulations governing pipeline design, construction, operation, and maintenance under 49 CFR 190.9;**
- (3) Pipelines on the Outer Continental Shelf upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator;**
- (4) Onshore gathering of gas-**
 - (i) Through a pipeline that operates at less than 0 psig (0 kPa);**
 - (ii) Through a pipeline that is not a regulated onshore gathering line (as determined in §192.8); and**
 - (iii) Within inlets of the Gulf of Mexico, except for the requirements in § 192.612; or**
- (5) Any pipeline system that transports only petroleum gas or petroleum gas/air mixtures to-**



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§192.9 What requirements apply to gathering lines?

- (a) **Requirements.** An operator of a gathering line must follow the safety requirements of this part as prescribed by this section.
- (b) **Offshore lines.** An operator of an offshore gathering line must comply with requirements of this part applicable to transmission lines, except the requirements in §192.150 and in subpart O of this part.
- (c) **Type A lines.** An operator of a Type A regulated onshore gathering line must comply with the requirements of this part applicable to transmission lines, except the requirements in §192.150 and in subpart O of this part. However, an operator of a Type A regulated onshore gathering line in a Class 2 location may demonstrate compliance with subpart N by describing the processes it uses to determine the qualification of persons performing operations and maintenance tasks.
- (d) **Type B lines.** An operator of a Type B regulated onshore gathering line must comply with the following requirements:
 - (1) If a line is new, replaced, relocated, or otherwise changed, the design, installation, construction, initial inspection, and initial testing must be in accordance with requirements of this part applicable to transmission lines;
 - (2) If the pipeline is metallic, control corrosion according to requirements of subpart I of this part applicable to transmission lines;
 - (3) Carry out a damage prevention program under §192.614;
 - (4) Establish a public education program under §192.616;
 - (5) Establish the MAOP of the line under §192.619; and
 - (6) Install and maintain line markers according to the requirements for transmission lines in §192.707.



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(e) **Compliance deadlines.** An operator of a regulated onshore gathering line must comply with the following deadlines, as applicable.

(1) An operator of a new, replaced, relocated, or otherwise changed line must be in compliance with the applicable requirements of this section by the date the line goes into service, unless an exception in §192.13 applies.

(2) If a regulated onshore gathering line existing on April 14, 2006 was not previously subject to this part, an operator has until the date stated in the second column to comply with the applicable requirement for the line listed in the first column, unless the Administrator finds a later deadline is justified in a particular case:

Requirement	Compliance deadline
Control corrosion according to Subpart I requirements for transmission lines.	April 15, 2009.
Carry out a damage prevention program under §192.614.	October 15, 2007.
Establish MAOP under §192.619	October 15, 2007.
Install and maintain line markers under §192.707.	April 15, 2008.
Establish a public education program under §192.616.	April 15, 2008.
Other provisions of this part as required by paragraph (c) of this section for Type A lines.	April 15, 2009.
(3) If, after April 14, 2006, a change in class location or increase in dwelling density causes an onshore gathering line to be a regulated onshore gathering line, the operator has 1 year for Type B lines and 2 years for Type A lines after the line becomes a regulated onshore gathering line to comply with this section.	



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Hazmat Safety

Part 195

Transportation of Hazardous Liquids by Pipeline

This part prescribes safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide.



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§195.1 Which pipelines are covered by this part?

- (a) **Covered.** Except for the pipelines listed in paragraph (b) of this section, this part applies to pipeline facilities and the transportation of hazardous liquids or carbon dioxide associated with those facilities in or affecting interstate or foreign commerce, including pipeline facilities on the Outer Continental Shelf (OCS). This includes:
- (1) Any pipeline that transports a highly volatile liquid (HVL);
 - (2) Transportation through any pipeline, other than a gathering line, that has a maximum operating pressure (MOP) greater than 20-percent of the specified minimum yield strength;
 - (3) Any pipeline segment that crosses a waterway currently used for commercial navigation;
 - (4) Transportation of petroleum in any of the following onshore gathering lines:
 - (i) A pipeline located in a non-rural area;
 - (ii) To the extent provided in § 195.11, a regulated rural gathering line defined in § 195.11; or
 - (iii) To the extent provided in § 195.413, a pipeline located in an inlet of the Gulf of Mexico.
 - (5) Transportation of a hazardous liquid or carbon dioxide through a low-stress pipeline or segment of pipeline that:
 - (i) Is in a non-rural area; or
 - (ii) Meets the criteria defined in § 195.12(a).
 - (6) For purposes of the reporting requirements in subpart B, a rural low-stress pipeline of any diameter.



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(b) Excepted. This part does not apply to any of the following:

10 Exceptions that you need to read

c) Breakout tanks. Breakout tanks subject to this part must comply with requirements that apply specifically to breakout tanks and, to the extent applicable, with requirements that apply to pipeline systems and pipeline facilities. If a conflict exists between a requirement that applies specifically to breakout tanks and a requirement that applies to pipeline systems or pipeline facilities, the requirement that applies specifically to breakout tanks prevails. Anhydrous ammonia breakout tanks need not comply with § § 195.132(b), 195.205(b), 195.242 (c) and (d), 195.264(b) and (e), 195.307, 195.428(c) and (d), and 195.432(b) and (c).



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§195.11 What is a regulated rural gathering line and what requirements apply?

Each operator of a regulated rural gathering line, as defined in paragraph (a) of this section, must comply with the safety requirements described in paragraph (b) of this section.

- (a) **Definition.** As used in this section, a regulated rural gathering line means an onshore gathering line in a rural area that meets all of the following criteria—
- (1) Has a nominal diameter from 6 5/8 inches (168 mm) to 8 5/8 inches (219.1 mm);
 - (2) Is located in or within one-quarter mile (.40 km) of an unusually sensitive area as defined in § 195.6; and
 - (3) Operates at a maximum pressure established under § 195.406 corresponding to--
 - (i) A stress level greater than 20-percent of the specified minimum yield strength of the line pipe; or
 - (ii) If the stress level is unknown or the pipeline is not constructed with steel pipe, a pressure of more than 125 psi (861 kPa) gage.



U.S. Department
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Pipeline and
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Safety Administration



Other Parts of 190 - 199

- **Reporting Requirements**
- **OPA 90 Requirements**
- **Drug & Alcohol Requirements**
- **ETC**



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**



Hazmat Safety

QUESTIONS??

THANK YOU!!

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ND DEPARTMENT OF HEALTH

DIVISION OF AIR QUALITY

OIL & GAS PERMITTING

▶ Natural Gas Processing Plants & Compressor Stations

- Permit to Construct (PTC) and Permit to Operate (PTO) typically required
 - Must go through permitting process
 - PTC required to construct and initially operate

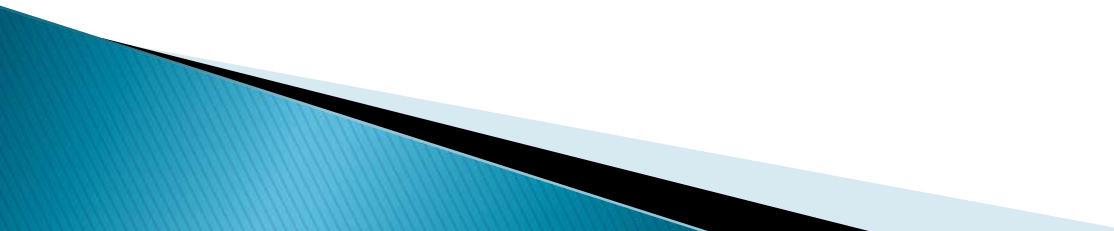
▶ Oil/Gas Wells

- Registration required
 - Registration form includes location, gas analysis, equipment on site (flare, heaters, tanks, etc), VOC/SO₂ emission estimates

▶ Natural Gas Pipelines

- No permits required from AQ

PERMITTING PROCESS

- ▶ **Application Submittal**
 - ▶ **Department Review**
 - ▶ **Draft PTC**
 - ▶ **Public Comment Period**
 - ▶ **PTC Issuance**
 - ▶ **PTO Issuance (after inspection / testing)**
- 

SOURCE CLASSIFICATIONS

- ▶ **Minor Source (<100 tons/year of emissions)**
- ▶ **Title V Source (>100 tons/year of emissions)**
 - Title V refers to Title V of the Clean Air Act
- ▶ **PSD Source (>250 tons/year of emissions)**
 - PSD refers to the Federal Prevention of Significant Deterioration of Air Quality (PSD) rules

PTC TIMELINE

▶ **Typically:**

- 1–3 months for Minor Sources
- 3–6 months for Title V Sources
- PSD Sources and controversial projects can take 9 months or longer
- Other delays may occur because of incomplete applications, modeling issues, air toxics issues, etc.

PROCESSING COSTS

- ▶ \$150 minimum
- ▶ Department will charge additional rate on hours for projects that take a substantial amount of time
 - Examples include – modeling review, projects with public meetings, etc.

RESOURCES

The screenshot shows a web browser window displaying the North Dakota Department of Health's Air Quality page. The browser's address bar shows the URL <http://www.ndhealth.gov/AQ/OilAndGasWells.htm>. The website header includes the North Dakota Department of Health logo and navigation links for Air Quality, Laboratory Services, Municipal Facilities, Waste Management, Water Quality, and EHS Home. The main content area is titled "Oil & Gas Wells" and contains several sections: "Applicability", "Registration and Reporting Requirements", "Prevention of Significant Deterioration (PSD) Applicability", "New Source Performance Standards (NSPS) and Maximum Available Control Technology (MACT) Applicability", and "Control of Production Facility Emissions Requirements". A sidebar on the left lists various links, with "Air Quality Rules", "Air Quality Forms", "Air Permitting", "Oil & Gas Wells", and "Emission Testing" circled in red. The "Regulation Summary" link under the MACT section is also circled in red. The footer contains copyright information for 2005 and an email address: health@nd.gov. The Windows taskbar at the bottom shows the system clock at 9:52 AM on 9/16/2010.

OilAndGasWells - Windows Internet Explorer
http://www.ndhealth.gov/AQ/OilAndGasWells.htm

North Dakota nd.gov Official Portal for North Dakota State Government

NORTH DAKOTA
DEPARTMENT of HEALTH
Air Quality

Air Quality • Laboratory Services • Municipal Facilities • Waste Management • Water Quality • EHS Home

Home
Air Quality Rules
Air Quality Forms
Air Permitting
Emission Testing
Open Burning
Aerial Spraying
Small Business
Oil & Gas Wells
Emission Testing
Emission Inventory
Ambient Monitoring
Dispersion Modeling
Regional Haze
Training
Links
Contact Us
Air Quality Division

Oil & Gas Wells

Applicability

Control of emissions from oil and gas well production facilities are outlined in [Chapter 33-15-20](#) of the North Dakota Air Pollution Control Rules. The provisions of this chapter apply to any oil or gas well production facility. This chapter includes requirements for control of production facility emissions, registration, reporting and permitting requirements.

Registration and Reporting Requirements

An [oil/gas production facility registration form](#) (AP-114, [SFN 14334](#)) and an analysis of any gas produced from the well must be submitted to the North Dakota Department of Health for any oil or gas well as follows:

1. Any oil and gas well that is/was completed or recompleted on or after July 1, 1987. The registration form must be submitted to the Department within 90 days of the completion or recompletion of the well.
2. Any oil and gas well that has been completed or recompleted prior to July 1, 1987, and that emits 10 tons per year or more of sulfur (all sulfur compounds expressed as sulfur).
3. The owner or operator of any oil or gas well shall inform the Department of any change to the information contained on the registration form for a particular well and shall submit a new gas analysis if the composition or the volume of the gas produced from the well has changed from the previous analysis to cause an increase of 10 tons per year or more of sulfur (all sulfur compounds expressed as sulfur).

Prevention of Significant Deterioration (PSD) Applicability

Any oil or gas well production facility that emits or has the potential to emit 250 tons per year or more of any air contaminant regulated under North Dakota Century Code Chapter 23-25, as determined by the Department of Health must comply with the permitting requirements of [Chapter 33-15-15](#) (Prevention of Significant Deterioration of Air Quality).

New Source Performance Standards (NSPS) and Maximum Available Control Technology (MACT) Applicability

Equipment at oil and gas facilities may be subject to rules and regulations under 40 CFR 60 and 40 CFR [63. Regulation Summary](#)

Control of Production Facility Emissions Requirements

Section 33-15-20-04 of Chapter 33-15-20 outlines requirements for control of emissions from treaters, separators, flares, tanks and other onsite equipment.

Questions may be addressed to the North Dakota Department of Health at 701.328.5188, or email [Todd Peterson](mailto:Todd.Peterson)

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Email: health@nd.gov

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RESOURCES

- ▶ ND Department of Health – Air Quality
 - <http://www.ndhealth.gov/AQ/Airhomepage.htm>
- ▶ Federal Regulations (PSD, NSPS, MACT, NESHAP)
 - http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl
- ▶ AP-42 Emission Factors
 - <http://www.epa.gov/ttn/chief/>

AQ CONTACTS

▶ Oil/Gas Well Registration

- Todd Peterson @ tfpeterson@nd.gov or 701-328-5188

▶ Natural Gas Processing Plants & Compressor Stations/General PTC Questions

- Jessica Keller @ jeskeller@nd.gov or 701-328-5188
- Craig Thorstenson @ cthorstenson@nd.gov or 701-328-5188