



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety Administration**

June 15, 2020

Mr. Gary A. Kenny
Gas Safety Manager
Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Dear Mr. Kenny:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA), dated January 15, 2020, you requested an interpretation of 49 CFR Part 192. Specifically, you asked for an interpretation on the correct application of 49 CFR § 192.11 to a liquefied petroleum gas (LPG) system operated by a Twin Rivers Paper Company (Twin Rivers).

Background and MPUC's Opinion

You described the Twin Rivers LPG system as being operated and maintained by Twin Rivers and its employees. You stated that the paper mill owned and operated by Twin Rivers is the only customer that the system serves. You noted that neither the mill nor its property is considered a public place, however, a portion of the system's piping is off the customer's premises, crossing under 13th Avenue and Bridge and Mill Streets in Madawaska, Maine (public road rights-of-way) inside steel casings.

You believe the pipeline system is regulated under § 192.11(b) and fails the exception in § 192.1(b)(5)(ii) because, although the system serves a single customer, it is not located entirely on the customer's premises. You noted that § 192.11(b) requires pipeline systems subject to Part 192 that transport only petroleum gas or petroleum gas/air mixtures to "meet the requirements of this part and of ANSI/NFPA 58 and 59," but you indicated that it is MPUC's opinion that NFPA 59 is not applicable to the Twin Rivers LPG system because the standard only applies to utility distribution systems.

With respect to NFPA 58, you explained that it applies to "(1) Containers, piping, and associated equipment, when delivering LP-Gas to a building for use as a fuel gas," but does not apply to "the portions of LP-Gas systems covered by NFPA 54, where NFPA 54 is adopted, used, or enforced." You indicated that the Maine Fuel Board has adopted and enforces NFPA 54 (2012) requirements in Maine. Given the scope of NFPA 54, the MPUC believes Part 192 only extends to those portions of LPG systems that cannot be covered by NFPA 54. In addition, MPUC believes that although Twin Rivers' entire LPG system is "jurisdictional" pursuant to § 192.1,

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency's current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations are not generally applicable, do not create legally-enforceable rights or obligations, and are provided to help the specific requestor understand how to comply with the regulations.

MPUC's safety enforcement jurisdiction is limited to the piping from the LPG tanks to the outlet of the final pressure regulator in the Mill Stores Regulator Step Down Station (*see* Schematic dated Nov. 7, 2019).

In a February 2, 2020, follow-up call with PHMSA staff, you provided additional information regarding the regulatory boundaries of the Twin Rivers' LPG system and the scope of the Maine Fuel Board's regulatory authority as it relates to the pipeline system. You clarified that the petroleum gas pipeline system starts at LPG tanks, crosses a railroad track and a public access road, then enters the Mill Stores Regulator Step Down Station before the pipeline enters the first set of Twin Rivers paper mill buildings. You also stated that the Maine Fuel Board may have regulatory authority over the pipeline beyond that point.

Analysis

The pipeline safety regulations in Part 192 provide minimum safety standards for pipelines that transport gas. Section 192.1(b) excepts certain pipelines from Part 192. Pursuant to § 192.1(b)(5) any pipeline system that transports only petroleum gas or petroleum gas/air mixtures does not need to comply with Part 192 if it serves: (i) fewer than 10 customers, if no portion of the system is located in a public place; or (ii) a single customer, if the system is located entirely on the customer's premises (no matter if a portion of the system is located in a public place). The Twin Rivers LPG system is a pipeline system that only transports petroleum gas. However, because a portion of the system is located in a public place, it fails to meet the exception in § 192.1(b)(5)(i). As your January 15 letter noted, the system also fails to meet the exception in § 192.1(b)(5)(ii) because although the system serves only one customer, the system is not located entirely on Twin Rivers' premises. Accordingly, PHMSA agrees that the Twin Rivers LPG pipeline system is regulated under Part 192.

Section 192.11(b) states "[e]ach pipeline system subject to this part that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of this part and of ANSI/NFPA 58 and 59." NFPA 59, *Utility LP-Gas Plant Code* (2004) (incorporated by reference, *see* § 192.7) applies to liquefied petroleum gas systems at utility gas plants, and extends to the point where LP-Gas or a mixture of LP-Gas and air is introduced into the utility distribution system.¹ Since Twin Rivers is not a utility gas plant, PHMSA agrees that NFPA 59 does not apply to the Twin Rivers LPG system.

NFPA 58 applies to the storage, handling, transportation, and use of LP-Gas.² The standard encompasses the operation of all LP-gas systems including containers, piping, and associated equipment, when delivering LP-gas to a building for use as a fuel gas.³ PHMSA agrees that NFPA 58 applies to the Twin Rivers LPG because it delivers LP-gas to the Twin Rivers paper mill for use as a fuel gas.

¹ NFPA 59, *Utility LP-Gas Plant Code*, Section 1.1 - Scope (2004)

² NFPA 58, *Liquid Petroleum Gas Code*, Section 1.1 - Scope (2004).

³ *Id.* at § 1.3.1

Concerning your reference to NFPA 54, PHMSA has not incorporated NFPA 54 into the pipeline safety regulations. Moreover, NFPA 54 is not applicable to piping outside of a consumer's premise. NFPA 54 provides industry accepted guidance for the design and safe installation of fuel gas piping systems, appliances, equipment and accessories to ensure fuel gas safety on a consumer's premises.⁴ As you noted, the Twin Rivers LPG system is not located entirely on Twin Rivers' premises, rather it crosses three public roads.

Consequently, pursuant to § 192.11(b), the Twin Rivers petroleum gas pipeline must comply with Part 192 and NFPA 58 from the LPG tanks to the Mill Stores Regulator Step Down Station, and from the 4-inch Full Port Valve downstream of Finishing Room 1959 to the 4-inch Full Port Ball valve at Building 1980 (*see* Schematic dated Nov. 7, 2019). MPUC would therefore be responsible for compliance inspections and enforcement for those portions.

If we can be of further assistance, please contact Tewabe Asebe at 202-366-5523.

Sincerely,

John A. Gale
Director, Office of Standards
and Rulemaking

⁴ *See*, NFPA 54, National Fuel Gas Code, Committee Scope, page 6 of 285 (2006).



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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ADMINISTRATIVE DIRECTOR

January 15, 2020

Mr. John A. Gale
Director, Office of Standards and Rulemaking (PHP-30)
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Re: Interpretation of 49 C.F.R. Part 192 § 192.11

Dear Mr. Gale,

The Maine Public Utilities Commission (MPUC) has been made aware of a liquified petroleum gas (LPG) system, operated by Twin Rivers Paper Company (Twin Rivers), in Madawaska, Maine. This system falls under the safety jurisdiction of the Maine Public Utilities Commission (MPUC) under PHMSA's 60105(a) Certification agreement with the State of Maine in accordance with 49 C.F.R. § 192.1.

The Twin Rivers LPG facility is operated and maintained by Twin Rivers and its employees. The system transports only petroleum gas. A paper mill owned and operated by Twin Rivers is the only customer that the system serves. Neither the mill nor its property is considered a public place. However, as shown on the attached site plan, a portion of the system's piping is off the customer's premises, crossing under 13th Avenue and Bridge and Mill Streets in Madawaska, Maine (public road rights-of-way) inside steel casings. The system fails the exception in 49 C.F.R. § 192.1(5)(ii) because, although the system serves a single customer, it is not located entirely on the customer's premises.

The MPUC Gas Safety Program (MPUC Staff) is seeking interpretation on the correct application of 49 C.F.R. § 192.11 regarding the extent of the MPUC's safety enforcement jurisdiction. Section 192.11(b) requires that "*pipeline systems subject to Part 192 that transport only petroleum gas . . . must meet the requirements of this part and of ANSI/NFPA 58 and 59.*"

- NFPA 59 (2004) § 1.1.1 extends applicability to "*...the point where LP-Gas or a mixture of LP-Gas and air is introduced into the utility distribution system.*" Because the system serves a single customer, and there is no traditional utility distribution system associated with this LPG system, it is difficult to ascertain where this point should be established and,

accordingly, if this system is subject to NFPA 59. It is the view of MPUC Staff that the system is not subject to NFPA 59.

- NFPA 58 (2004) § 1.3.1 applies to “(1) Containers, piping, and associated equipment, when delivering LP-Gas to a building for use as a fuel gas,” and NFPA 58 § 1.3.2(6) makes clear that NFPA 58’s scope does not apply to “The portions of LP-Gas systems covered by NFPA 54, where NFPA 54 is adopted, used, or enforced.” The Maine Fuel Board has adopted and enforces NFPA 54 (2012) requirements in Maine.
- The NFPA 58 scope definition appears to be the most germane to the type of system that Twin Rivers is operating, and MPUC Staff believes this code language should prevail where applicable when determining the extent of safety enforcement jurisdiction. MPUC Staff further believes that, given the scope language in NFPA 54, the requirements of Part 192 only extend to those portions of the LPG system that cannot be covered by NFPA 54.
- NFPA 54 § 1.1.1.1(A) indicates that “Coverage of piping systems shall extend from the point of delivery to the appliance connections,” and, “For undiluted liquified petroleum gas systems, the point of delivery shall be considered to be the outlet of the final pressure regulator, exclusive of line gas regulators, where no meter is installed.” No meter is installed in the Twin Rivers LPG system.

Based on the attached site plan, the outlet of the final pressure regulator, exclusive of line gas regulators, appears to be the Mill Stores Regulator Step Down Station, where the pressure is reduced to 10 psi (with a 9 psi standby setpoint). While the entire system is "jurisdictional" pursuant to 49 C.F.R. § 192.1, MPUC Staff believes that the outlet of this regulator station represents the extent of MPUC safety enforcement jurisdiction.

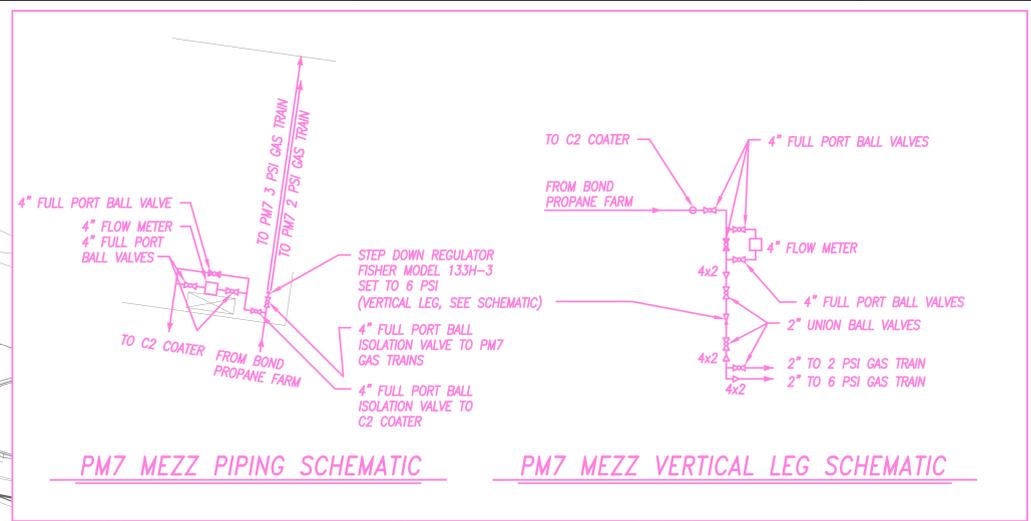
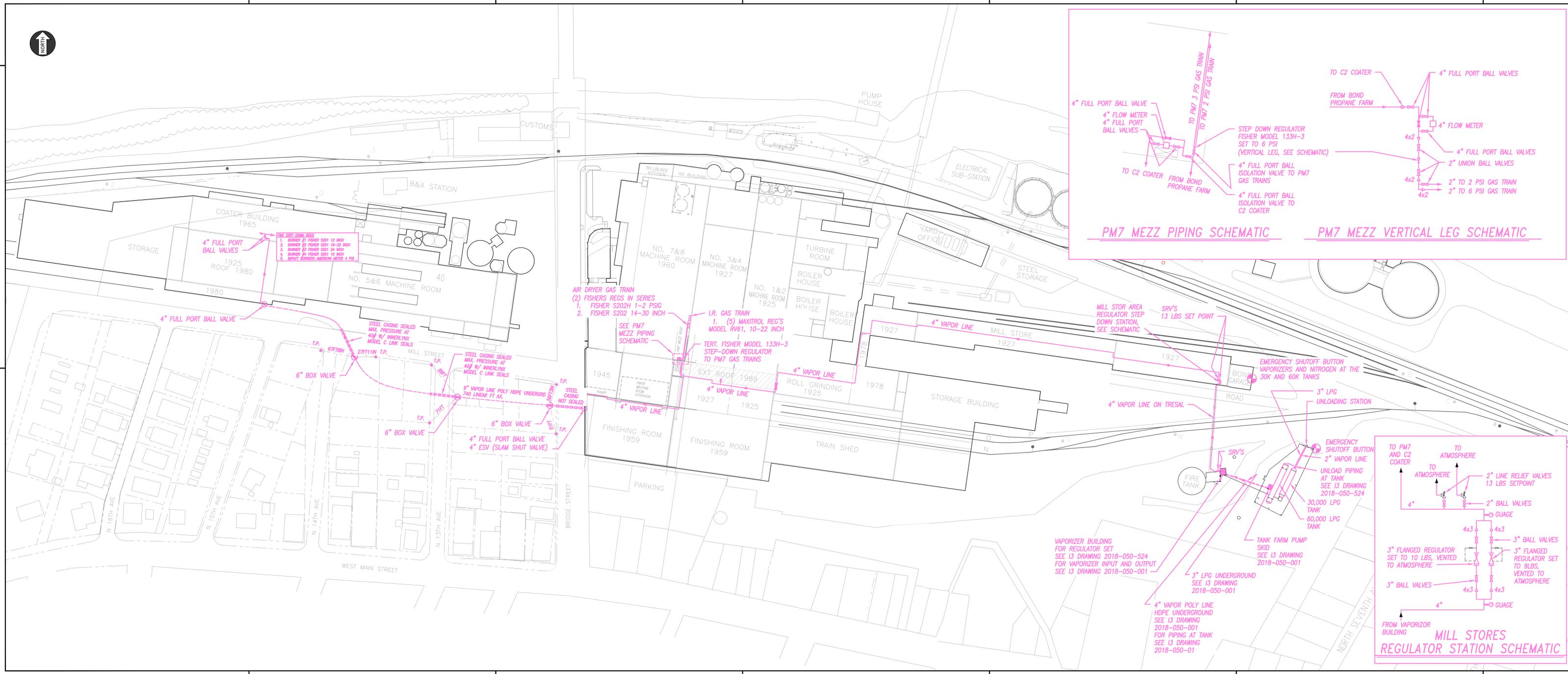
Your assistance in the proper interpretation of the extent of the MPUC’s safety jurisdiction will be greatly appreciated. Please do not hesitate to contact me at 207-287-1364 or by email at gary.kenny@maine.gov if there are any questions or if you require any additional information.

Sincerely,



Gary A. Kenny, P.E.
Gas Safety Manager

Attachment



- GENERAL NOTES:
1. THE INTENT IS TO RUN THIS SYSTEM AT A PRESSURE OF 10 PSI OR LESS.
 2. UNDERGROUND SEALED CASINGS ARE RATED TO HAVE A MAX. PRESSURE RATING OF 40 PSI. BASED ON THE END SEALS BY INNERLYNX MODEL C LINK SEALS.

- FOR 4" FULL PORT BALL VALVES
1. BURNER #1 FISHER S201 12 INCH
 2. BURNER #2 FISHER S201 16-22 INCH
 3. BURNER #3 FISHER S201 24 INCH
 4. BURNER #4 FISHER S201 15 INCH
 5. IMPACT BRANDS AMERICAN METCO 4 PSI

- AIR DRYER GAS TRAIN
- (2) FISHERS REGS IN SERIES
 1. FISHER S202H 1-2 PSIG
 2. FISHER S202 14-30 INCH

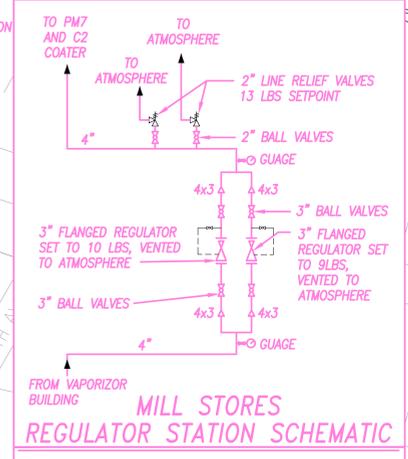
- I.R. GAS TRAIN
1. (5) MAXITROL REG'S MODEL RV61, 10-22 INCH

- TERT. FISHER MODEL 133H-3 STEP-DOWN REGULATOR TO PM7 GAS TRAINS

- MILL STOR AREA REGULATOR STEP-DOWN STATION, SEE SCHEMATIC

- EMERGENCY SHUTOFF BUTTON VAPORIZERS AND NITROGEN AT THE 30K AND 60K TANKS

- VAPORIZER BUILDING FOR REGULATOR SET SEE I3 DRAWING 2018-050-524 FOR VAPORIZER INPUT AND OUTPUT SEE I3 DRAWING 2018-050-001



DWG NO.	DESCRIPTION
8	11-7-18 ADDED REG INFO FOR CAT & BOND
4	10-26-18 ADDED MILL STORE REG STATION
3	10-18-18 LOCATED BOX VALVES IN PARKING
2	10-15-18 REVISED STEEL CASING NOTES TO REFLECT MAX PRESSURE RATINGS
1	10-1-18 GENERAL REVISION

REV	DATE	CHANGE	BY

TWIN RIVERS
PAPER COMPANY, LLC
MADAWASKA, MAINE
YARD
GENERAL ARRANGEMENT
PROPANE SYSTEM

DR: D. ALBERT	SCALE: 1"=60'
CHK:	JOB NO. MM-000-663
DATE: 9/21/19	APPD:
ENTITY NO.	DWG. NO.
M-21-15295	5