

This information is not the official version of the Official Compilation of the Rules and Regulations of the State of New York (NYCRR). No representation is made as to its accuracy, nor may it be used as an official business record of the New York State Department of Public Service. To ensure accuracy and for evidentiary purposes, reference should be made to the official NYCRR. The Official NYCRR is available from West Publishing: 1-800-344-5009.

§ 258.1 Scope

(a) This Part prescribes minimum safety standards for liquid petroleum pipeline facilities. Every liquid petroleum pipeline corporation engaged in the transportation of liquid petroleum via pipeline within the State of New York is to comply with the rules set forth in this Part.

(b) The rules and regulations of this Part are considered adequate for safety under conditions normally encountered in the liquid petroleum industry. However, these rules and regulations cannot specifically provide for all abnormal or unusual conditions; nor can they specifically detail all methods for achieving compliance. Approved alternate methods may be used provided that all work performed within the scope of this Part shall meet or exceed the safety standards expressed or implied herein.

(c) If a waiver of or deviation from the application of any rules prescribed in this Part is indicated because of special facts, application may be made to the department for a waiver of or deviation from any rule in this Part. Each application shall include a full and comprehensive justification for the requested waiver or deviation.

(d) Except where otherwise indicated, this Part is not applied retroactively to existing installations insofar as design, fabrication, installation, and testing are concerned. The provisions of this Part are, however, applicable to existing facilities that are reconstructed, relocated, or reactivated, or that are considered for an increase in maximum operating pressure.

(e) This Part does not apply to:

(1) transportation of liquid petroleum through interstate pipelines regulated under 49 CFR 195.

(2) liquid petroleum refining, handling, processing, transfer, or storage facilities licensed under article 12 of the Navigation Law or registered under 6 NYCRR Part 612 including pipelines, or portions thereof, within the property boundaries of such facilities; and

(3) liquid petroleum production facilities.

§ 258.2 Definitions

As used in this Part:

(a) Barrel means a unit of measure equal to 42 U.S. standard gallons.

(b) Department means the New York State Department of Public Service.

(c) Liquid petroleum means crude oil, natural gasoline, natural gas liquids, liquefied petroleum gas, liquid petroleum products, and any other such flammable liquids.

(d) Liquid petroleum pipeline corporation or corporation means any individual, firm, joint venture, partnership, corporation, association, municipality, cooperative association, or joint stock association owning and operating one or more liquid petroleum pipelines in the State of New York, and includes any trustee, receiver, assignee, or personal representative thereof.

(e) Maximum operating pressure means the maximum pressure at which a pipeline may be operated as determined in accordance with section 258.8 of this Part.

(f) Municipality means a city, county, village, or other political subdivision of New York State.

(g) Pipeline means all parts of those physical facilities through which liquid petroleum moves in transportation, including line pipe, valves and other appurtenances connected to the line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein.

(h) Pipeline facility means new and existing pipe, rights-of-way, and any equipment, facility, or building used in the transportation of liquid petroleum.

(i) Production facility means all wells, flowlines, piping, separation equipment, storage facilities, and auxiliary equipment used in the extraction of liquid petroleum from the ground.

(j) Transportation of liquid petroleum means the gathering or delivery of liquid petroleum by pipeline.

§ 258.3 Compliance with standard code

Except as otherwise provided in this Part, all liquid petroleum pipeline facilities within the State of New York shall be designed, constructed, tested, operated, and maintained, in accordance with Title 49, Code of Federal Regulations, Part 195, Transportation of Hazardous Liquids by Pipeline (as described in section 10.2 of this Title), herein referred to as 49 CFR 195 followed by a rule or section number. In addition, operators shall comply with Subpart G-Operator Qualifications, of 49 CFR 195.

§ 258.4 Notification of proposed construction or pressure increase

(a)

(a) At least 30 days prior to the start of scheduled construction or reconstruction of any liquid petroleum pipeline, the corporation shall file with the Office of Gas and Water of the department in Albany, a letter of intent and a report of specifications as required under section 258.13 of this Part. The letter of intent need not include said specifications if the length of the pipeline is less than 500 feet. The Office of Gas and Water of the department in Albany shall be promptly notified in writing of any significant change affecting the initial filing.

(b) Before any liquid petroleum pipeline is placed in operation, a report shall be filed with the Office of Gas and Water of the department in Albany certifying the maximum operating pressure to which the pipeline is intended to be operated and also certifying that the pipeline has been constructed and tested in accordance with the rules prescribed herein.

(c) The maximum operating pressure of a liquid petroleum pipeline shall not be increased without the written permission of the Office of Gas and Water of the department in Albany. At least 90 days prior to a proposed increase in the maximum operating pressure of any liquid petroleum pipeline, an acceptable program stating the investigative, testing, and corrective measures (including cathodic protection, leak history, detection and repair of leaks, and specifications of pipe and other facilities) to be taken before the pressure increase is made, shall be submitted.

§ 258.5 Minimum cover in commercial farmlands

Notwithstanding the requirements of *49 CFR 195.248(a)* for cover over buried pipelines in cultivated areas, all pipe installed in areas actively cultivated for commercial farm purposes in at least two out of the last five years, as identified by the farmland operator, shall be installed with a minimum cover of 40 inches unless the farmland operator agrees to or requires a different depth.

§ 258.6 Hydrostatic testing

(a) Each new, reconstructed, relocated, replaced, or reactivated segment of pipeline must be hydrostatically tested in accordance with this section to substantiate the current or proposed maximum operating pressure. Any pipeline, or segment thereof, for which the maximum operating pressure is to be increased must also be tested in accordance with this section.

(b) Notwithstanding the requirements of *49 CFR 195.302(c)*, the minimum test pressure at the lowest point of the test section shall be the lesser of:

(1) 150 percent of the maximum operating pressure; or

(2) the pressure that produces a pipe stress equivalent to 90 percent of the specified minimum yield strength of the pipe.

(c) Except as provided in subdivision (d) of this section, the test pressure must be maintained throughout the pipeline segment for at least 12 hours following stabilization.

(d) For a short segment of pipeline (100 feet or less) which is completely exposed and where its entire circumference may be readily examined visually for the detection of leaks, the test duration shall be at least four hours following stabilization and the test shall precede coating of the welds.

(e) A calibrated recording pressure gauge that indicates increments of five pounds per square inch or less shall be attached to the test section. The gauge must be calibrated at least hourly for the first and last two hours of the test. Calibration is against a deadweight tester attached to the test section.

(f) At least five business days prior to starting a test, the corporation shall notify the Office of Gas and Water of the department in Albany in writing. In order to maintain continuity of service during emergencies, shorter notice is permissible. The corporation shall also notify the officials of the municipalities wherein the test is to be conducted. Tests conducted under this section are not deemed satisfactory unless certified by an inspector of the Office of Gas and Water of the department.

§ 258.7 Operations, maintenance, and emergency plan

(a) Each liquid petroleum pipeline corporation subject to this Part shall establish and file with the Office of Gas and Water of the department in Albany a detailed written plan for conducting normal operations and maintenance, and for handling abnormal operations and maintenance, and for handling abnormal operations and emergencies.

(b) the operations, maintenance, and emergency plan shall include, as a minimum, procedures covering all items specified under *49 CFR 195.402*. Revisions to these written procedures shall be submitted to the Office of Gas and Water of the department in Albany at least 30 days prior to the effective date thereof.

(c) Each corporation shall satisfactorily comply with the plan submitted to the Office of Gas and Water of the department.

(d) During January of each year, each corporation shall file a list with the Office of Gas and Water of the department in Albany, and with all municipalities within which its facilities are located, indicating the names, addresses, and home and business telephone numbers of its responsible officials who may be contacted in the event of an emergency. Revisions to this list during the year shall be immediately reported to the Office of Gas and Water of the department in Albany and affected municipalities.

§ 258.8 Maximum operating pressure

(a) Except for surge pressures and other variations from normal operations, the maximum operating pressure of any liquid petroleum pipeline shall not exceed any of the following:

(1) the internal design pressure of the pipe as determined in accordance with *49 CFR 195.106*;

(2) the design pressure of any component of the pipeline;

(3) the test pressure divided by 1.5 for a pipeline, or any part thereof, which has been tested in accordance with section 258.6(b) (1) of this Part;

(4) 80 percent of the test pressure for a pipeline, or any part thereof, which has been tested in accordance with section 258.6(b) (2) of this Part; or

(5) for a pipeline, or any part thereof, which has not been tested in accordance with section 258.6 of this Part, 80 percent of the highest operating pressure to which the pipeline was subjected for four or more continuous hours during the period October 1, 1986 through September 30, 1991, or any successive five-year period thereafter, that is documented by recording charts or records made at the time the operations were conducted.

(b) The pressure in a pipeline during surges or other variations from normal operations shall not exceed 110 percent of the maximum operating pressure established under subdivision (a) of this section. Each corporation must provide adequate controls and protective equipment to control the pressure within this limit.

§ 258.9 Leak detection system

Each liquid petroleum pipeline shall have an acceptable automatic leak detection system capable of initiating an alarm at a location that is continuously monitored by personnel employed by the corporation and/or is capable of effecting automatic shutdown of the pipeline.

§ 258.10 Preservation of records

(a) Notwithstanding the requirements of Parts 292, 293, or Appendix 4-A of this Title, and *49 CFR 195.404(c)*, the minimum period of retention for records necessary to prove compliance with this Part shall be three years. Longer periods of retention may be mandated by Parts 292, 293, or Appendix 4-A of this Title.

(b) Records pertaining to each repair made to a pipeline shall be maintained for as long as the pipeline remains in service.

(c) All records, or copies thereof, shall be kept on file in the State of New York and accessible to the staff of the department.

§ 258.11 Accident reports

(a) Each corporation shall report all accidents in which liquid petroleum pipeline facilities may be involved and which may result in any of the following:

- (1) explosion or fire;
- (2) death or injury to any person;
- (3) property damage;
- (4) loss of 25 or more barrels of liquid;
- (5) escape of vaporized liquid to the atmosphere; or
- (6) could cause concern because of coverage by news media.

(b) All such accidents shall be immediately reported by telephone to the Office of Gas and Water of the department through its emergency notification system.

(c) A written report of each accident in which liquid petroleum pipeline facilities were involved shall be submitted to the Office of Gas and Water of the department in Albany within 30 days. The report shall set forth a chronological sequence of events including a detailed description of the:

- (1) accident;
- (2) response, action, and investigations by the corporation; and
- (3) results and findings of the investigations.

§ 258.12 Facility failure investigation

(a) Each corporation shall establish procedures to analyze each failure or accident for the purpose of determining its cause and to minimize the possibility of a recurrence. This shall include a procedure to select samples of the failed facility or equipment for laboratory examination when necessary.

(b) The procedures shall also provide for complete cooperation with the department's gas division in testing or surveying, including using independent consultants, any equipment or systems deemed necessary by the gas division for the investigation and analysis of any failure or accident to determine its cause and to minimize the possibility of a recurrence.

§ 258.13 Report of specifications for proposed construction

(a) The following maps, sketches, and drawings shall be filed with and as a part of the report of specifications:

(1) three sets of current U.S. Geological Survey Maps (7-1/2 or 15 minute) clearly indicating the entire route of the proposed construction or reconstruction and an area of one mile on either side of the route; and

(2) three sets of strip maps and design drawings showing details of the proposed construction or reconstruction.

(b) A report of specifications identical in format with subdivision (c) of this section shall be submitted in triplicate. Where additional space is necessary, supply the requested information on attached sheets.

(c)

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE
REPORT OF SPECIFICATIONS FOR PROPOSED CONSTRUCTION
LIQUID PETROLEUM PIPELINE FACILITIES

General Information

1. Corporation name _____ Date _____

2. Pipeline route:

From _____

To _____

Length _____

4. New construction or reconstruction _____

5. Counties traversed _____

6. Towns traversed _____

7. Cities traversed _____

8. Villages traversed _____

9. Estimated starting date _____

10. Estimated completion date _____

11. Pipeline identification name or number _____

Pipe Specifications

1. Nominal outside diameter, D (inches) _____

2. Nominal wall thickness, t (inches) _____

3. Type and/or grade of pipe _____

4. Manufacturer of steel _____
5. Manufacturer of pipe _____
6. Longitudinal joint type _____
7. Specified minimum yield strength, SMYS (psi) _____
8. Nominal ultimate strength (psi) _____
9. Fracture toughness (minimum Charpy Energy in ft. lbs. at 20 degrees F for buried pipe, -20 degrees F for exposed pipe) _____
10. Mill test pressure (psi) _____
11. Is pipe new or used _____
12. If used pipe is employed, describe inspection and reconditioning procedure _____
13. Are the physical and chemical specifications of pipe to be verified by outside laboratories? If yes, by whom?

Operating Pressure and Stress

1. Maximum operating pressure, P (psi) _____
2. Calculated pipe stress (hoop stress) = $PD/2t$ (psi) _____
3. Ratio of pipe stress to SMYS (percent) _____

Welding

1. Percentage of welds to be radiographed, by location _____
2. How will the corporation certify the radiographic technician _____

Railroad, Road, and Water Crossings

1. Railroad and road crossings:

Attach a list giving the location of each and indicating whether each is cased or uncased (if uncased, provide reason), and if heavier wall carrier pipe is used.

2. Lake, river, stream, or creek crossings:

Attach a list giving the location of each and describing any special construction precautions to be followed.

3. Pipeline encroachments:

Attach a list of any encroachments to railroads or roads, by location, and describe any special construction precautions to be followed.

Valves (see 49 CFR 195.260)

1. Number and spacing of manual sectionalizing valves _____
2. Type, make, and location of any automatic valves to be used _____

Minimum Cover and Clearance (see 49 CFR 195.245, 250)

If the minimum prescribed cover and/or clearance cannot be maintained, indicate the location, nature of problem, cover and/or clearance to be maintained, and any special precautions to be observed. Corrosion Control (see 49 CFR 195.242)

1. Type of field coating:

For pipe (if not factory coated) _____

For welds and fittings _____

2. Type of coating test:

Before backfill _____

After backfill _____

3. Type of cathodic protection system

Pressure and Leakage Tests (see section 258.6 of this Part)

1. Test pressure _____

2. Test medium _____

3. Test duration _____

4. Length of test section(s) _____ Right-of-Way

1. Has necessary right-of-way been obtained from each party having interest in the right-of-way? If not, what is the status?

2. Have formal approval and all necessary permits been obtained from governmental agencies? If not, what is the status? Products Transported Pipeline certified to transport the following liquid petroleum products:

Products Transported

Pipeline certified to transport the following liquid petroleum products:

1. _____

2. _____

3. _____

4. _____

5. _____

Signature of corporation officer

Title