

This is an amendment to 18.60.2 NMAC, Sections 7, 8 and 9, effective 8-15-12

18.60.2.7 DEFINITIONS: In addition to the definitions in 49 CFR Parts 40, 190, 191, 192, 193, 194, 195 and 199, and Sections 62-14-2 and 70-3-12 NMSA 1978, as used in these rules:

A. applicable laws means the Hazardous Liquid Pipeline Safety Act, 49 USC Sections 2001 et seq; the Hazardous Materials Transportation Act, 49 USC Sections 1801 et seq; the Natural Gas Pipeline Safety Act, 49 USC Sections 60101 et seq; Chapter 62, Article 14 NMSA 1978; the Pipeline Safety Act, Sections 70-3-11 to 70-3-20 NMSA 1978; these rules, and commission orders issued pursuant to them;

B. director means the director of the transportation division of the New Mexico public regulation commission or his designee;

C. staff means the staff of the pipeline safety bureau of the transportation division of the public regulation commission; and

D. these rules means Title 18, Chapter 60.

[18.60.2.7 NMAC - Rp, 18.60.2.7 NMAC, 7-17-06; A, 8-15-12]

18.60.2.8 ADOPTION OF PORTIONS OF THE CODE OF FEDERAL REGULATIONS:

A. Adoption by reference. Except for the variances set forth in Subsection B of this section, the commission adopts the following portions of the code of federal regulations, as such may be amended from time to time, pertaining to gas and hazardous liquid pipeline operators and facilities, and concerning the health, safety, and welfare of persons and property in New Mexico, as part of this rule:

- (1) pipeline safety programs and procedures. 49 CFR 190.5, 190.233(a) and (b), and 190.237;
- (2) annual, incident, and safety related condition reports. 49 CFR Part 191;
- (3) minimum federal safety standards. 49 CFR Part 192;
- (4) transportation of hazardous liquids by pipeline, 49 CFR Part 195;
- (5) drug and alcohol testing, 49 CFR Parts 40 and 199.

B. New Mexico variances to adopted federal regulations.

(1) The reporting threshold in New Mexico shall be \$5,000 instead of the \$50,000 reporting threshold established in 49 CFR 191.3.

(2) Hazardous liquid pipeline operators must make telephonic notice to the pipeline safety bureau in accordance with 49 CFR Section 195.50.

~~[(2)]~~ (3) Leakage surveys of transmission lines in New Mexico shall be conducted using leak detection equipment but shall otherwise be conducted in accordance with 49 CFR 192.706(b).

(4) Intrastate gas and hazardous liquid pipeline operators must submit annual reports, written incident/accident reports and safety related condition reports as prescribed in 49 CFR 191.9, 191.11, 191.12, 191.15, 191.17, 191.23, 191.25, 195.49, 195.50, 195.54, 195.55 and 195.56 to the transportation division director or his designee at Post Office Box 1269, Santa Fe, New Mexico 87504-1269.

(5) Regulated intrastate gathering operators in New Mexico shall:

(a) establish and follow written operating and maintenance procedures as prescribed in 49 CFR 192.605 for all applicable requirements of 49 CFR 192.9;

(b) establish and follow written emergency procedures as prescribed in 49 CFR 192.615;

(c) establish and follow written maintenance procedures as prescribed in 49 CFR 192.703(b) and (c);

(d) establish and follow written procedures for prevention of accidental ignition as prescribed in 49 CFR 192.751;

(e) establish and follow written valve maintenance procedures as prescribed in 49 CFR 192.745;

(f) keep records necessary to administer the procedures established under Subsection B of 18.60.2.8 NMAC; and

(g) conduct leakage surveys of its regulated gathering line(s) using leak detection equipment at intervals not exceeding fifteen (15) months but at least once each calendar year.

C. Interpretation of references and terms in federal regulations.

(1) References in the code of federal regulations to "state agency" shall be deemed references to the transportation division of the New Mexico public regulation commission.

(2) References in 49 CFR 190.233(a) and (b) to the "associate administrator, OPS" shall be deemed references to the director of the transportation division of the New Mexico public regulation commission[~~and~~].

(3) References in 49 CFR 190.233(a) and (b) to 49 CFR 190.233(c), 49 CFR 190.233(c)(2), or 49 CFR 190.233(g) shall be deemed references to 18.60.4.9 NMAC through 18.60.4.15 NMAC.

(4) References in 49 CFR 192.723(b)(1) to "business district" shall have the meaning given by the United States department of transportation in correspondence interpreting the term.

(5) References in 49 CFR 192.383(a) to "replaced service line" includes piping within three (3) feet of the fitting that connects the service line to the main.

(6) References in 49 CFR 192.605(b), 192.615(a)(7) to "procedures for making safe any actual or potential hazard to life or property" shall include specific procedures for emergency response to excavation damage near buildings that adequately address the possibility of multiple leaks and gas migration into nearby buildings.

(7) References in 49 CFR 192.617 to "accidents and failures" shall include an unintentional release of gas.

[18.60.2.8 NMAC - Rp, 18.60.2.8 NMAC, 7-17-06; A, 8-15-12]

18.60.2.9 NOTICE OF INTENT TO CONSTRUCT: Prior to the start of construction of any new or replacement intrastate natural gas or hazardous liquid pipeline with a total construction value of \$50,000 or more, the operator of such pipeline shall give written notice of its intent to construct to the Transportation Division Director, Post Office Box 1269, Santa Fe, New Mexico, 87504-1269. The notice of intent to construct shall state:

- A. the pipe material;
- B. the finished diameter, length, and approximate location of the pipeline;
- C. the size and capacity of any compressors or pumps;
- D. and the contemplated date construction will commence.

[18.60.2.9 NMAC - Rp, 18.60.2.18 NMAC, 7-17-06; A, 8-15-12]