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## PUBLIC UTILITIES COMMISSION

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May 18, 2021

Patricia Van Gerpen  
Executive Director  
SD Public Utilities Commission  
500 E. Capitol Ave.  
Pierre, SD 57501

RE: Additional waiver request for mechanical fitting failure reports identified in PHMSA Amendment 192-128

Ms. Van Gerpen:

Recently the Commission granted approval of a waiver in docket PS21-001 which included several code sections that were modified by an amendment published by PHMSA. It has come to my attention that 1 section 49 CFR 192.1009 was inadvertently excluded from the PS21-001 filing and this code section should also be waived. I would like to request that a waiver also be granted for 49 CFR 192.1009.

49 CFR 192.1009 was removed from the code with PHMSA Amendment 192-128. This code section required the operators to report each mechanical fitting failures that result in a hazardous leak. Since there is no longer a mechanism to report these failures to PHMSA, the operator should also not be required to report the failures to the state.

As indicated in OS21-001, PHMSA published an amendment (Amdt. 192-128) in January with an effective date of March 21, 2021. This amendment titled "Gas Pipeline Regulatory Reform" included regulations that lessened the burden on natural gas operators.

South Dakota has not yet adopted the amendment. Currently only amendments through January 1, 2019 are adopted per SDCL 49-34B-3. Even though Senate Bill 37, which changes the date to January 1, 2021 was signed by Governor Noem and will be effective July 1, 2021, the Amendment 192-128 was published after January 1, 2021, and these regulations will not take effect for South Dakota until after SDCL 49-34B-3 is amended.

As approved in PS21-001, I propose the Commission allow operators to also apply the new regulation immediately rather than waiting for SDCL 49-3B-3 to be updated. Rather than having each operator request a waiver, I propose a general waiver that applies to all natural gas operators in South Dakota. Since this is already in federal code the waiver will not need to be approved by PHMSA.

Sincerely,

Mary Zanter  
Pipeline Safety Program Manager