Frequently Asked Questions for Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards (Valve Rule)

The Pipeline and Hazardous Materials Safety Administration (PHMSA) published the Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards Final Rule on April 8, 2022, with an effective date of October 5, 2022 (87 FR 20940) (Valve Rule). PHMSA amended the regulations in 49 CFR Parts 192 and 195 regarding installation of rupture-mitigation valves (RMVs) after considering comments from industry, stakeholders, and members of the public. This Valve Rule Frequently Asked Questions (FAQs) guidance document provides additional information on installation of RMVs and other requirements introduced in the Valve Rule.

PHMSA provides FAQs to help the public understand how to comply with the existing requirements under the regulations. FAQs are not substantive rules; are not meant to bind the public in any way; and do not assign duties, create legally enforceable rights, or impose new obligations not otherwise contained in the existing regulations. However, an operator who demonstrates compliance with the FAQs is likely to be able to demonstrate compliance with the relevant regulations.

1. **Do the valve spacing requirements only apply to the entirely replaced segment, and not the entire pipeline?**

   For an "entirely replaced onshore hazardous liquid or carbon dioxide pipeline segment" or an "entirely replaced onshore gas transmission pipeline segment" replaced after April 10, 2023, operators must install RMVs or alternative equivalent technology whenever a valve must be installed in order to meet valve spacing requirements set forth in parts 192 or 195, as applicable, with respect to the replaced pipeline segment. *See* §§ 192.179 and 195.258. Operators may place the RMV or alternative equivalent technology on the replaced pipeline segment or on existing in-place segments of the pipeline and may choose to install RMVs or alternative equivalent technology in closer proximity than what is required in parts 192 and 195, so long as the valve spacing requirements of parts 192 and 195 are satisfied at all points on the replaced pipeline segment. For valve spacing requirements, please see, e.g., §§ 192.179, 192.610, 192.634(b), 195.258, 195.260, and 195.418(b).

2. **If an operator of an onshore hazardous liquid or carbon dioxide pipeline installs 2 miles of replacement pipe within 5 contiguous miles during any 24-month period; if the replacement pipe is 6-inches or greater in diameter; and if a valve is located within 15 miles of the replacement pipe, does the operator need to install an RMV?**

   The answer depends on whether the replaced pipeline segment is within or could affect a high consequence area (HCA) as defined in § 195.450, and whether the pipeline segment is carrying highly volatile liquids (HVLs).

   Pursuant to § 195.260(c), for newly constructed or entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments (as that term is defined at §

195.2) installed after April 10, 2023, valve spacing must not exceed 15 miles for pipeline segments that could affect or are in HCAs, and 20 miles for pipeline segments that could not affect HCAs. Valves on pipeline segments located in HCAs or that could affect HCAs must be installed at locations as determined by the operator's process for identifying preventive and mitigative measures established pursuant to § 195.452(i) and by using the selection process in section I.B of appendix C of part 195. However, the maximum distance of these valves must not exceed 7½ miles from the endpoints of the HCA segment or the segment that could affect an HCA. *See* §§ 195.260(c) and 195.418; 87 FR 20975-76.

Pursuant to § 195.258(c) and (d), for newly constructed or entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments with diameters greater than or equal to 6 inches and constructed or replaced after April 10, 2023, an operator must install RMVs or an alternative equivalent technology in order to meet the foregoing valve spacing requirements.

Further, pursuant to § 195.418(b)(2), newly constructed and entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments subject to § 195.418(a) that could affect HCAs or are located in HCAs must be protected on the upstream and downstream side with RMVs or alternative equivalent technologies. The distance between RMVs or alternative equivalent technologies must not exceed 15 miles, with a maximum distance not to exceed 7½ miles from the endpoints of a shut-off segment, for pipeline segments carrying non-HVLs.

For pipeline segments carrying HVLs, the distance between RMVs or alternative equivalent technologies generally must not exceed 7½ miles, with the option to increase the maximum valve spacing intervals by 1.25 times the spacing distance, up to a 9⅜-mile spacing at an endpoint, provided the operator notify PHMSA in accordance with § 195.260(g).

3. **What is the interaction between § 192.179(a) & (h) regarding valve spacing for pipe replacements?**

   Section 192.179(h) is the exception to the valve spacing requirements established in § 192.179(a) for pipe replacement projects, provided the project does not involve a class location change pursuant to § 192.610(b) and/or (c).

   However, if a class location change occurs and results in pipe replacement of less than 2 miles within 5 contiguous miles during a 24-month period in order to meet the MAOP requirements in § 192.611 (one class bump or class location change), the operator must meet the requirements in either § 192.610(b) or (c).

4. **Pursuant to §§ 195.402(c)(12) and 195.402(e)(7), can an operator call 911 during an emergency and not be required to notify additional parties?**

   As explained in the preamble to the Final Rule, and as established in § 195.402, operators must establish adequate means of communication with fire, police, and other public officials as needed. The preamble to the Final Rule states the following:

   Operators must determine the jurisdictional areas, responsibilities, resources, and emergency contact numbers for those government organizations that may respond to pipeline emergencies involving their pipeline facilities. To the points commenters made on liaising with the appropriate local emergency coordinating entities and allowing coordination with a lead agency if recognized by State and local law, PHMSA will note that it did not propose to amend the long-standing requirements about coordinating with local officials, including fire and police officials. The NPRM intended to add the explicit requirement, when applicable, for operators to call 9–1–1 after the notification of a potential rupture. Per this final rule, to meet these requirements of this section, operators may liaise with the appropriate emergency response coordinating agencies, such as 9–1–1 emergency call centers or county emergency managers, in lieu of communicating individually with each fire, police, or other public entity. 87 FR 20970.

   If an operator determines, pursuant to § 195.402(c)(12), that the 911 call center will notify all federal, state, and local government organizations that may respond to a pipeline emergency, then the operator may call 911 in lieu of communicating individually with each fire, police, or other public entity in order to satisfy the new emergency notification requirements. After the initial emergency notification, operators remain subject to requirements to continue coordinating with local officials, including fire and police officials.

   However, if the operator determines, pursuant to § 195.402(c)(12), the 911 call center will not notify all federal, state, and local government organizations that may respond to a pipeline emergency, or if a 911 call center does not exist in the applicable area, then the operator must communicate directly with each fire, police, or other public entity, as applicable, that will not be notified by the operator's call to a 911 call center, in order to satisfy the initial emergency notification requirement.

5. **What does the word "failure" mean in the Valve Rule, as found in §§ 192.617 and 195.402?**

   As explained in the preamble to the Final Rule,[1] PHMSA uses the term "failure" throughout parts 192 and 195 as it is defined in ASME B31.4 and B31.8 and referenced in ASME B31.8S—a "general term used to imply that a part in service has become completely inoperable; is still operable but is incapable of satisfactorily performing its intended function; or has deteriorated seriously, to the point that it has become unreliable or unsafe for continued use." PHMSA uses this definition of "failure" when implementing the requirements set forth in §§ 192.617 and 195.402(c)(5).

[1] 87 FR 20969.