

Gas Distribution, Gas Gathering, Gas Transmission, Liquefied Natural Gas (LNG), and Underground Natural Gas Storage (UNGS) Incidents

Current Regulation - §191.3 Definitions

"Incident" means any of the following events:

(1) An event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility (UNGSF), liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:

- (i) A death, or personal injury necessitating in-patient hospitalization;
- (ii) Estimated property damage of \$122,000 or more, including loss to the operator and others, or both, but excluding the cost of gas lost. For adjustments for inflation observed in calendar year 2021 onwards, changes to the reporting threshold will be posted on PHMSA's website. These changes will be determined in accordance with the procedures in appendix A to part 191.
- (iii) Unintentional estimated gas loss of three million cubic feet or more.

(2) An event that results in an emergency shutdown of an LNG facility or a UNGSF. Activation of an emergency shutdown system for reasons other than an actual emergency within the facility does not constitute an incident.

(3) An event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraph (1) or (2) of this definition.

Original Regulation – January 7, 1970

Criteria for "Incidents" to be reported was established under §191.5 Telephonic notice of certain leaks:

(a) At the earliest practicable moment following discovery, each operator shall give notice in accordance with paragraph (b) of this section of any leak that –

- (1) Caused a death or a personal injury requiring hospitalization;
- (2) Required the taking of any segment of transmission pipeline out of service;
- (3) Resulted in gas igniting;
- (4) Caused estimated damage to the property of the operator, or others, or both, of a total of \$5,000 or more; or

(5) In the judgment of the operator, was significant even though it did not meet the criteria of subparagraphs (1), (2), (3), or (4) of this paragraph. An operator need not give notice of a leak that met only the criteria of subparagraph (2) or (3) of this paragraph, if it occurred solely as a result of, or in connection with, planned or routine maintenance or construction.

49 FR 18960, May 3, 1984

"Incident" criteria removed from §191.5 and definition established in §191.3. Under §191.15, written incident reports are not required for LNG facilities.

additions and ~~deletions~~ to the incident definition in §191.3:

§191.3 "Incident" means any of the following events:

(1) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and

- (i) ~~Caused a death, or personal injury requiring~~ necessitating in-patient hospitalization; or
~~Required the taking of any segment of transmission pipeline out of service;~~
~~Resulted in gas igniting;~~

(ii) Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more.

(2) An event that results in an emergency shutdown of an LNG facility.

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(3) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2). ~~An operator need not give notice of a leak that met only the criteria of subparagraph (2) or (3) of this paragraph, if it occurred solely as a result of, or in connection with, planned or routine maintenance or construction.~~

75 FR 72905, Nov 26, 2010

§191.15 revised to require written incident reports for LNG facilities.

additions and ~~deletions~~ to the incident definition in §191.3:

(1) An event that involves a release of gas from a pipeline or of liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility and that results in one or more of the following consequences:

- (i) A death, or personal injury necessitating in-patient hospitalization;
 - (ii) Estimated property damage, ~~including cost of gas lost, of the operator or others, or both,~~ of \$50,000 or more, including loss to the operator and others, or both, but excluding cost of gas lost;
 - (iii) Unintentional estimated gas loss of three million cubic feet or more;
- (2) An event that results in an emergency shutdown of an LNG facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident.
- (3) An event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2) of this definition.

81 FR 91871, Dec 19, 2016

Added “underground natural gas storage facility” to section (1) and (2) of incident definition in §191.3. Modified §191.15 to require written incident reports for UNGS facilities.

86 FR 2237, Jan 11, 2021

Property damage threshold increased with annual inflation adjustment.

additions and ~~deletions~~ to the incident definition in §191.3:

"Incident" means any of the following events:

Incident means any of the following events:

(1) An event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility (UNGSE), liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:

- (i) A death, or personal injury necessitating in-patient hospitalization;
 - (ii) Estimated property damage of ~~\$50,000~~ \$122,000 or more, including loss to the operator and others, or both, but excluding the cost of gas lost. For adjustments for inflation observed in calendar year 2021 onwards, changes to the reporting threshold will be posted on PHMSA's website. These changes will be determined in accordance with the procedures in appendix A to part 191.
 - (iii) Unintentional estimated gas loss of three million cubic feet or more.
- (2) An event that results in an emergency shutdown of an LNG facility or a UNGSE. Activation of an emergency shutdown system for reasons other than an actual emergency within the facility does not constitute an incident.
- (3) An event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraph (1) or (2) of this definition.

Hazardous Liquids Accidents

Current Regulation - §195.50 Reporting accidents.

An accident report is required for each failure in a pipeline system subject to this part in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

- (a) Explosion or fire not intentionally set by the operator.
- (b) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if the release is:
 - (1) Not otherwise reportable under this section;
 - (2) Not one described in §195.52(a)(4);
 - (3) Confined to company property or pipeline right-of-way; and
 - (4) Cleaned up promptly;
- (c) Death of any person;
- (d) Personal injury necessitating hospitalization;
- (e) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.

Original Regulation – October 4, 1969

This subpart prescribes rules governing the reporting of any failure in a pipeline system subject to this part in which there is a release of the commodity transported resulting in any of the following:

- (a) Explosion or fire not intentionally set by the carrier.
- (b) Loss of 50 or more barrels of liquid.
- (c) Escape to the atmosphere of more than five barrels a day of liquefied petroleum gas or other liquefied gas.
- (d) Death of any person.
- (e) Bodily harm to any person resulting in one or more of the following:
 - (1) Loss of consciousness.
 - (2) Necessity to carry the person from the scene.
 - (3) Necessity for medical treatment.
 - (4) Disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.
- (f) Property damage of at least \$1,000 to other than the carrier's facilities, based upon actual cost or reliable estimates.

44 FR 41197, July 16, 1979

additions and ~~deletions~~ to the accident definition in §195.50:

- (c) Escape to the atmosphere of more than five barrels a day of ~~liquefied petroleum gas or other liquefied gas~~ highly volatile liquids.

46 FR 38357, July 27, 1981

additions and ~~deletions~~ to the accident definition in §195.50:

This subpart prescribes rules governing the reporting of any failure in a pipeline system subject to this part in which there is a release of the commodity hazardous liquid transported resulting in any of the following:

- (a) Explosion or fire not intentionally set by the ~~carrier~~ operator.

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(f) ~~Estimated property damage of at least \$1,000 to other than the carrier's facilities, based upon actual cost or reliable estimates~~ to the property of the operator or others, or both, exceeding \$5,000.

56 FR 26922, June 12, 1991

additions and ~~deletions~~ to the accident definition in §195.50:

(b) Loss of 50 or more barrels of hazardous liquid or carbon dioxide.

59 FR 33388, June 28, 1994

additions and ~~deletions~~ to the accident definition in §195.50:

(f) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.

195-63, 63 FR 37500, July 13, 1998

additions and ~~deletions~~ to the accident definition in §195.50:

(b) Loss of 50 or more barrels (8 or more cubic meters) of hazardous liquid or carbon dioxide.

(c) Escape to the atmosphere of more than ~~five~~ 5 barrels (0.8 cubic meters) a day of highly volatile liquids.

67 FR 831, January 8, 2002

additions and ~~deletions~~ to the accident definition in §195.50:

(b) ~~Loss of 50 or more barrels (8 or more cubic meters)~~ Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if the release is:

- (1) Not otherwise reportable under this section;
- (2) Not one described in § 195.52(a)(4);
- (3) Confined to company property or pipeline right-of-way; and
- (4) Cleaned up promptly;

~~(c) Escape to the atmosphere of more than 5 barrels (0.8 cubic meters) a day of highly volatile liquids.~~

~~(d) Death of any person.~~

~~(e) Bodily harm to any person resulting in one or more of the following:~~

- ~~(1) Loss of consciousness.~~
- ~~(2) Necessity to carry the person from the scene.~~
- ~~(3) Necessity for medical treatment.~~
- ~~(4) Disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.~~ Personal injury necessitating hospitalization;

~~(f) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.~~