

UTILITIES DIVISION[199]

Notice of Intended Action

**Proposing rule making related to gathering lines
and providing an opportunity for public comment**

The Utilities Board hereby proposes to amend Chapter 10, “Intrastate Gas Pipelines and Underground Gas Storage,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 476.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 479.

Purpose and Summary

This proposed rule making requires companies proposing to construct renewable natural gas (RNG) facilities that render natural gas from landfills and animal operations (such as dairies) and that interconnect with intrastate or interstate natural gas pipeline systems to obtain a permit from the Board for construction of gathering lines associated with the project. The proposed amendments define “gathering line” as a natural gas pipeline that transports gas from an anaerobic digester, or similar facility, to a gas treatment center or natural gas transmission line. The Board is proposing the amendments based on the number of companies proposing to construct RNG facilities and because the federal Pipeline and Hazardous Material Safety Administration (PHMSA) is requiring the Board to inspect the gathering lines under the Board’s agency contract with PHMSA. The proposed amendments allow the Board to ensure that gathering lines are constructed in compliance with federal and Board regulations.

The Board issued an order on September 19, 2022, commencing this rule making. The order is available for viewing in the Board’s electric filing system, efs.iowa.gov, under Docket No. RMU-2022-0010.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

No waiver provision is included in the proposed amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on November 8, 2022. Comments should be directed to:

IT Support
Iowa Utilities Board
Phone: 515.725.7300
Email: ITSupport@iub.iowa.gov

Public Hearing

An oral presentation at which persons may present their views orally or in writing will be held as follows:

December 16, 2022
1:30 to 3:30 p.m.

Board Hearing Room
1375 East Court Avenue
Des Moines, Iowa

Persons who wish to make oral comments at the oral presentation may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the oral presentation and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 10.1(2) as follows:

10.1(2) *When a permit is required.* A pipeline permit shall be required for any pipeline which ~~will~~:
a. Will operate at a pressure in excess of 150 pounds per square inch gauge (psig) or which, regardless of operating pressure, is a transmission line as defined in ASME B31.8 or 49 CFR 192.3. Using the factors set out in rule 199—10.14(479), the board shall determine whether a pipeline is a transmission line and requires a permit.

b. Is a gathering line as defined in subrule 10.1(3).

ITEM 2. Adopt the following **new** definition of "Gathering line" in subrule **10.1(3)**:

"*Gathering line*" means a natural gas pipeline that transports gas from an anaerobic digester, or similar facility, to a gas treatment facility or natural gas transmission line.

ITEM 3. Reletter paragraph **10.3(1)“l”** as **10.3(1)“m.”**

ITEM 4. Adopt the following **new** paragraph **10.3(1)“l”**:

l. Exhibit L. A petition for a permit for a gathering line as defined in subrule 10.1(3) shall include information showing compliance with 49 CFR 192.9.