

## **House Resolution No. 6024**

By Committee on Energy and Utilities

4-28

1 A RESOLUTION urging adoption of federal regulations or policies  
2 permitting Kansas to regulate the underground storage of natural gas in  
3 interstate transportation.

4 WHEREAS, Due to a recent adverse federal court ruling that held 49  
5 U.S.C. § 60104(c) precludes a state authority from adopting or enforcing  
6 safety standards for interstate pipeline facilities or pipelines transporting  
7 gas in interstate transportation, the state of Kansas may not regulate the  
8 safety of underground storage of gas in interstate transportation; and

9 WHEREAS, It is vital that the Federal Energy Regulatory Commission  
10 and the United States Department of Transportation or the United States  
11 Congress allow Kansas to provide the necessary oversight to ensure the  
12 safe operation of natural gas storage within the state of Kansas; and

13 WHEREAS, Several significant incidents have occurred where natural  
14 gas or hazardous liquids have escaped from storage and resulted in loss of  
15 life and property; and

16 WHEREAS, The safe underground storage of natural gas within an  
17 interstate transportation system is a vital process to ensure efficient  
18 development and production of Kansas natural gas resources; and

19 WHEREAS, The growth of the production, transportation and storage  
20 of natural gas is an important element in the preservation and creation of  
21 jobs in Kansas; and

22 WHEREAS, For decades, natural gas transportation companies have  
23 integrated underground natural gas storage into their interstate pipeline  
24 operations to increase deliverability and decrease overall costs; and

25 WHEREAS, The regulation of underground natural gas storage wells  
26 has been performed by state agencies and the Federal Energy Regulatory  
27 Commission to varying degrees, but not by the United States Department  
28 of Transportation; and

29 WHEREAS, Through Advisory Bulletin ADB-97-04, and other  
30 correspondence, the Pipeline and Hazardous Materials Safety  
31 Administration (PHMSA) or its predecessor agency has noted gas storage  
32 facilities are not covered by PHMSA pipeline safety regulations; and

33 WHEREAS, The PHMSA has urged state regulators to develop state-  
34 sponsored safety programs of wellbores and underground facilities to  
35 make new federal regulations unnecessary; and

36 WHEREAS, Kansas, as well as many other states, has adopted rules

1 and regulations regarding the safe operation of wellbores and underground  
2 gas and liquid storage facilities; and

3 WHEREAS, The State Corporation Commission has the experience  
4 and technical ability to regulate the safety of underground storage of gas;  
5 and

6 WHEREAS, It is imperative that the citizens of the state of Kansas be  
7 protected from accidents or mishaps at facilities used for the underground  
8 storage of natural gas and that both interstate and intrastate gas storage  
9 companies be regulated to assure that facilities are operated in a safe  
10 manner: Now, therefore,

11 Be it resolved by the House of Representatives of the State of Kansas:  
12 That we urge the Federal Energy Regulatory Commission, U.S.  
13 Department of Transportation and the Kansas Corporation Commission to  
14 adopt legislation or policies that would provide Kansas, and other states,  
15 administrative jurisdiction to assure the safe operation of wellbores  
16 associated with the underground storage of natural gas that is in interstate  
17 transportation; and

18 *Be it further resolved:* That the Chief Clerk of the House of  
19 Representatives be directed to send enrolled copies of this resolution to the  
20 United States Department of Transportation Secretary, the Commissioners  
21 of the Federal Energy Regulatory Commission, members of the National  
22 Association of Regulatory Utility Commissioners, members of the Kansas  
23 Congressional Delegation, the Chairman of the United States House of  
24 Representatives Committee on Transportation and Infrastructure, the  
25 Governor of Kansas and the Executive Director of the Interstate Oil and  
26 Gas Compact Commission.