

**TITLE 165. CORPORATION COMMISSION
CHAPTER 20. GAS & HAZARDOUS LIQUID PIPELINE SAFETY**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 5. Safety Regulations for Gas Pipelines

Part 5. Minimum Safety Standards for Gas

165:20-5-21. Adoption of federal safety regulations [AMENDED]

Subchapter 7. Safety Regulations for Hazardous Liquids

165:20-7-1. Adoption of federal safety and reporting regulations [AMENDED]

Subchapter 13. Enforcement

Part 1. General

165:20-13-1. Scope and fines [AMENDED]

Subchapter 15. Regulations for Grants to Aid State Pipeline Safety Programs

165:20-15-1. Regulations for grants to aid state pipeline safety programs [AMENDED]

AUTHORITY:

The Commission's statutory authority is found in Title 52 O.S. § 5, Title 52 O.S. § 47.3, Article IX, Sections 18 and 18a of the Oklahoma Constitution and OAC 165:5-1-7.

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET

SECRETARY:

Although the Oklahoma Corporation Commission is not subject to the requirements of Executive Order No. 2013-34, the proposed rules were submitted to the Governor and Cabinet Secretary on December 30, 2016.

COMMENT PERIOD:

December 29, 2016 to February 21, 2017

PUBLIC HEARING:

March 9, 2017

ADOPTION:

March 9, 2017

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

APPROVED BY GOVERNOR'S DECLARATION:

Approved by Governor's declaration on June 13, 2017

FINAL ADOPTION:

June 13, 2017

EFFECTIVE:

September 11, 2017

ACCEPTED 7/12/17

Office of Administrative Rules

Oklahoma Secretary of State

SUPERSEDED EMERGENCY ACTIONS:

n/a

Docket # 17-54 OAR/cert CC

INCORPORATIONS BY REFERENCE:

Incorporated standards as they existed on January 1, 2017:

Adoption of federal safety regulations, 49 C.F.R. Part 192. Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.

FILED
AUG 10 2017

Adoption of federal safety and reporting regulations, 49 C.F.R. Part 195. Transportation of Hazardous Liquids by Pipeline.

Regulations for grants to aid state pipeline safety programs, 49 C.F.R. Part 198. Regulations for Grants to Aid State Pipeline Safety Programs.

Incorporating rules:

165:20-5-21

165:20-7-1

165:20-15-1

Availability:

8:00 am to 4:30 pm, Monday through Friday at Oklahoma Corporation Commission, Gas & Hazardous Liquid Pipeline Safety, 2nd Floor, Jim Thorpe Office Building, Room 232, 2101 N. Lincoln Blvd., Oklahoma City.

GIST/ANALYSIS:

OAC 165:20-5-21 is amended to adopt an updated version of the Code of Federal Regulations, 49 C.F.R. Part 192. OAC 165:20-7-1 is amended to adopt an updated version of the Code of Federal Regulations, 49 C.F.R. Part 195. OAC 165:20-13-1 is amended to remove outdated rule provisions based on changes in Oklahoma statute. OAC 165:20-15-1 is amended to adopt an updated version of the Code of Federal Regulations, 49 C.F.R. Part 198.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2017:

SUBCHAPTER 5. SAFETY REGULATIONS FOR GAS PIPELINES

PART 5. MINIMUM SAFETY STANDARDS FOR GAS

165:20-5-21. Adoption of federal safety regulations

The Commission adopts the provisions of 49 C.F.R. Part 192, as such exist on January 1, ~~2014~~2017, and all those amendments and appendices adopted thereafter, subject to the following amendments:

- (1) 49 C.F.R. § 192.1 is replaced by the following:
 - (A) This Part prescribes minimum safety requirements for intrastate pipeline facilities and the transportation of gas subject to the jurisdiction of the Commission.
 - (B) This Part shall not apply to:
 - (i) Interstate transmission facilities; and
 - (ii) Onshore gathering of gas through a pipeline that operates at less than 0 psig or through a pipeline that is not a regulated onshore gathering line as determined by 49 C.F.R. § 192.8.
- (2) The definition of "Administrator" and "State" are deleted and replaced as follows:
 - (A) All references to the "Administrator" are replaced with the "Commission".
 - (B) All references to the "State" refer to the State of Oklahoma.

SUBCHAPTER 7. SAFETY REGULATIONS FOR HAZARDOUS LIQUIDS

165:20-7-1. Adoption of federal safety and reporting regulations

The Commission adopts the provisions of 49 C.F.R. Part 195, as such exist on January 1, ~~2011~~2017, and all those amendments and appendices adopted thereafter subject to the following amendments:

(1) 49 C.F.R. § 195.0 is replaced by the following: "This Part prescribes safety standards and accident reporting requirements for pipeline facilities used in the intrastate transportation of hazardous liquids subject to the jurisdiction of the Commission."

(2) 49 C.F.R. § 195.1(a) is replaced by the following: "Except as provided in paragraph (b) of 49 C.F.R. § 195.1(b), this Part applies to pipeline facilities and the transportation of hazardous liquids associated with those facilities used in the intrastate transportation of hazardous liquids subject to the jurisdiction of the Commission."

(3) The definition of "Administrator" shall be deleted and all references to the "Administrator" are replaced with the "Commission".

(4) 49 C.F.R. § 195.52(b) is replaced by the following: "(b) Reports made under paragraph (a) of 49 C.F.R. § 195.52(a) are made by telephone to 405-521-2258 (Pipeline Safety Department in Oklahoma City, OK) and 800-424-8802 (in Washington, D.C. ~~202-462-2675~~), and must include the following information:

(A) Name and address of the operator.

(B) Name and telephone number of the reporter.

(C) The location of the failure.

(D) The time of the failure.

(E) The fatalities and personal injuries, if any.

(F) All other significant facts known by the operator that are relevant to the cause of the failure or extent of the damages."

(5) 49 C.F.R. § 195.54(a) is replaced by the following: "Each carrier that experiences an accident that is required to be reported under this subpart, as soon as practicable but not later than 30 days after discovery of the accident, shall prepare and file an accident report on DOT Form 7000-1, or a facsimile, with the Pipeline Safety Department, Oklahoma Corporation Commission, in accordance with OAC 165:20-1-6 of this Chapter, and the Information Resources Manager, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590."

(6) 49 C.F.R. § 195.54(b) is replaced by the following: "Whenever an operator receives any changes in the information reported or additions to the original report on DOT Form 7000-1, it shall file a supplemental report within 30 days with the Pipeline Safety Department, Oklahoma Corporation Commission, in accordance with OAC 165:20-1-6 of this Chapter, and the Information Resources Manager, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590."

SUBCHAPTER 13. ENFORCEMENT

PART 1. GENERAL

165:20-13-1. Scope and fines

This Subchapter prescribes the procedures utilized by the Oklahoma Corporation Commission in carrying out its responsibilities regarding pipeline safety under 52 O.S. 1981, Section 5 and 52 O.S. Supp. Sections 47.1 through 47.8, and is designed to utilize enforcement procedures already in place by hereby adopting the Commission's Rules of Practice, OAC 165:5, that are pertinent and necessary to carry out the enforcement of pipeline safety rules and regulations.

(1) For each violation of a Commission rule in Subchapters 5 and 10, the Commission may issue an order pursuant to 17 O.S. Section 1 et seq. fining an operator up to ~~ten thousand dollars (\$10,000.00) per day plus prosecution costs for each violation for each day the violation continues provided that the maximum fine shall not exceed five hundred thousand dollars (\$500,000.00) for any related series of violations~~ the maximum amount provided by 17 O.S. Section 6.1.

(2) For each violation of a Commission rule for hazardous liquid pipelines, the Commission may issue an order pursuant to 52 O.S. Section ~~47.6~~47.1 et seq. fining an operator up to ~~ten thousand dollars (\$10,000.00) per day plus prosecution costs for each day the violation continues provided that the maximum fine shall not exceed five hundred thousand dollars (\$500,000.00) for any related series of violations~~ the maximum amount provided by 52 O.S. Section 47.6.

SUBCHAPTER 15. REGULATIONS FOR GRANTS TO AID STATE PIPELINE SAFETY PROGRAMS

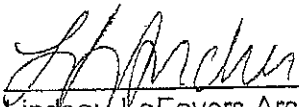
165:20-15-1. Regulations for grants to aid state pipeline safety programs

The Commission adopts the provisions of 49 C.F.R. Part 198, with all amendments and appendices thereto as such exist January 1, ~~2009~~2017, and all amendments and appendices adopted thereafter.

ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of amendments to Chapter 20, Gas & Hazardous Liquid Pipeline Safety which were considered finally adopted by the Oklahoma Corporation Commission on June 13, 2017 under permanent rulemaking provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

I, the undersigned do hereby attest that such rules were finally adopted in substantial compliance with the Administrative Procedures Act.

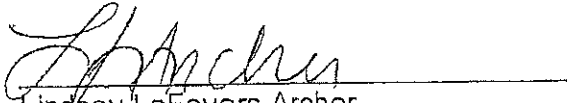


Lindsay LaFevers Archer
Rules Liaison
Oklahoma Corporation Commission
June 23, 2017

NAME OF AGENCY: Corporation Commission
TYPE OF DOCUMENT: Final Adoption of Permanent Rules

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the Administrative Procedures Act and the rules of the Secretary of State. Additional information may be obtained by contacting me at (405) 521-4259.



Lindsay LaFevers Archer
Rules Liaison
Oklahoma Corporation Commission
June 23, 2017