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

OKLAHOMA SECRETARY
OF STATE

RULEMAKING ACTION:

PERMANENT final adoption

RM 201700016

CH 20, Gas & Hazardous Liquid
Pipeline Safety

Permanent Rule Document
Received Copy

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]

Part 9. Mandatory Participation in Oklahoma One Call

165:20-5-41. Mandatory participation in Oklahoma One Call [AMENDED]

Subchapter 7. Safety Regulations for Hazardous Liquids

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

165:20-7-3. Mandatory participation in Oklahoma one call [AMENDED]

Subchapter 11. Drug Testing

165:20-11-1. Control of drug use in pipeline operations [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 29, 2017.

COMMENT PERIOD:

December 28, 2017 to February 9, 2018

PUBLIC HEARING:

February 20, 2018

ADOPTION:

February 20, 2018

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 2, 2018

APPROVED BY GOVERNOR'S DECLARATION:

Approved by Governor's declaration on June 18, 2018

FINAL ADOPTION:

June 18, 2018

EFFECTIVE:

October 1, 2018

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

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

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

165:20-11-1. Control of drug use in pipeline operations

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

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JUN 19 2018

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

Incorporated standards:

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

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

Control of drug use in pipeline operations, 49 C.F.R. Part 199. Drug and Alcohol Testing.

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

165:20-11-1

165:20-15-1

Availability:

8:00 am to 4:30 pm, Monday through Friday at Oklahoma Corporation Commission, Gas & Hazardous Liquid Pipeline Safety, 5th Floor, Jim Thorpe Office Building, Room 560, 2101 N. Lincoln Blvd., Oklahoma City.

GIST/ANALYSIS:

OAC 165:20-5 is amended to update the references to the Code of Federal Regulations and the Oklahoma Underground Facilities Damage Prevention Act to the most recent version.

OAC 165:20-7 is amended to update the references to the Code of Federal Regulations the Oklahoma Underground Facilities Damage Prevention Act and to the most recent version.

OAC 165:20-11-1 is amended to update the reference to the Code of Federal Regulations to the most recent version.

OAC 165:20-15-1 is amended to update the reference to the Code of Federal Regulations to the most recent version.

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 OCTOBER 1, 2018:

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, 2017~~2018~~, 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.

PART 9. MANDATORY PARTICIPATION IN OKLAHOMA ONE CALL

165:20-5-41. Mandatory participation in Oklahoma One Call

- (a) The Commission adopts the provisions of the Oklahoma Underground Facilities Damage Prevention Act, Okla. Stat. Titl. 63, Section 142.1 through 142.11 as such exists ~~March 1, 1993~~ on January 1, 2018.
- (b) The Commission will enforce the provisions of Okla. Stat. Titl. Sections 142.1 through 142.11, as such exists ~~March 1, 1993~~ on January 1, 2018, against all intrastate operators subject to the provisions of 49 C.F.R. Part 192.

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, ~~2017~~2018, 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 thirty (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."

165:20-7-3. Mandatory participation in Oklahoma one call

(a) The Commission adopts the provisions of the Oklahoma Underground Facilities Damage Prevention Act, Okla. Stat. Titl. 63, Sections 142.1 through 142.11 as such exists ~~March 1, 1993~~ on January 1, 2018.

(b) The Commission will enforce the provisions of Okla. Stat. Titl. 63, Sections 142.1 through 142.11, as such exists ~~March 1, 1993~~ on January 1, 2018, against all intrastate operators subject to the provisions of 49 C.F.R Part 195.

SUBCHAPTER 11. DRUG TESTING

165:20-11-1. Control of drug use in pipeline operations

The Commission adopts the provisions of 49 C.F.R. Part 199, with all amendments and appendices thereto as such exists ~~November 21, 1988, and all those amendments and appendices adopted thereafter~~ on January 1, 2018.

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, 2017, and all amendments and appendices adopted thereafter~~ on January 1, 2018.

ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of amendments to OAC 165:20, Gas & Hazardous Liquid Pipeline Safety, which were considered finally adopted by the Oklahoma Corporation Commission on June 18, 2018, 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 18, 2018

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 18, 2018