

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

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions

165:20-1-4. Forms and documentation [AMENDED]

Subchapter 5. Safety Regulations for Gas Pipelines

Part 3. Telephonic Notice and Reporting Requirements

165:20-5-13. Distribution system reporting requirements [AMENDED]

165:20-5-14. Transmission and gathering systems reporting requirements [AMENDED]

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 6. Safety Regulations for Underground Natural Gas Storage Facilities

165:20-6-1. 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]

165:20-7-3. Mandatory participation in Oklahoma One Call [AMENDED]

165:20-7-6. Annual report [REVOKED]

Subchapter 11. Drug Testing

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

Subchapter 17. Obligations Under the Oklahoma Underground Facilities Damage

Prevention Act Subject to Commission Enforcement

165:20-17-7. Immediate notice of excavation damages caused by excavator to gas distribution mains, gas transmission pipelines, gas gathering pipelines, and all hazardous liquid pipelines [AMENDED]

165:20-17-8. Written report of all excavation damages ~~caused by excavation~~ [AMENDED]

AUTHORITY:

The Commission's statutory authority is found in Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq., 52 O.S., §§ 5 and 47.3, and Article IX, Sections 4 and 18 of the Oklahoma Constitution.

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

Although the Oklahoma Corporation Commission is not subject to the requirements of Executive Order No. 2019-11, the proposed rules were submitted to the Governor and Cabinet Secretary on February 5, 2021.

COMMENT PERIOD:

February 5, 2021 to March 12, 2021

PUBLIC HEARING:

March 18, 2021

ADOPTION:

March 18, 2021

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 26, 2021

LEGISLATIVE APPROVAL:

Approved June 11, 2021 by HJR 1046

FILED
AUG 05 2021

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

FINAL ADOPTION:

June 11, 2021

EFFECTIVE:

October 1, 2021

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

Incorporated standards as they existed on January 1, 2021:

49 C.F.R. Part 191, Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety Related Incident Reports; 49 C.F.R. 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; Title 63 O.S. §§142.1 through 142.13, Mandatory Participation in Oklahoma One Call; 49 C.F.R. Part 195, Transportation of Hazardous Liquids by Pipeline; 49 C.F.R. Part 199, PHMSA Drug and Alcohol Testing Regulation.

Incorporating rules:

165:20-5-21, 165:20-5-41, 165:20-6-1, 165:20-7-1, 165:20-7-3, and 165:20-11-1.

Availability:

8:00 a.m. to 4:30 p.m., Monday through Friday at the Jim Thorpe Building, Oklahoma Corporation Commission, 2101 N. Lincoln Blvd., Oklahoma City, OK 73105, 405-521-2211.

GIST/ANALYSIS:

The adopted rules correct subchapter and statutory references, strike industry reporting requirements for information the Commission no longer needs, limit when excavation damage is required to be reported, and clarify semiannual excavation damage summary reporting requirements.

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, 2021:

SUBCHAPTER 1. GENERAL PROVISIONS

165:20-1-4. Forms and documentation

(a) The Commission is empowered to prescribe necessary and proper forms in order to effectuate the purpose of this Chapter. The Manager of Pipeline Safety shall prescribe the number of copies of an appropriate form which shall be necessary to comply with the filing requirements of this Chapter.

(b) Plans, specifications, maps, and other data relative to natural gas pipeline systems, underground natural gas storage facilities, and hazardous liquid pipeline systems shall be submitted to the Commission as prescribed by the Manager of Pipeline Safety in order to effectuate the purpose of this Chapter. This subsection is applicable to the operators of pipelines regulated pursuant to Subchapters 5, 6, ~~and 7~~, and 17 of this Chapter.

(c) Plans and maps submitted to the Commission pursuant to subsection (b) shall be deemed confidential records or trade secrets of the operator under the Open Records Act as provided for

by 51 O.S. § 24A.22 and shall be kept confidential by the Commission, unless such records are successfully challenged or become subject matter of an enforcement action at the Commission.

SUBCHAPTER 5. SAFETY REGULATIONS FOR GAS PIPELINES

PART 3. TELEPHONIC NOTICE AND REPORTING REQUIREMENTS

165:20-5-13. Distribution system reporting requirements

~~(a) Incident report.~~

~~(a)(1)~~ Except as provided in (3) of this subsection, each operator of a distribution pipeline system shall submit United States Department of Transportation Form RSPA F 7100.1 as soon as practicable but not more than 30 days after detection of an incident required to be reported under 165:20-5-11.

~~(b)(2)~~ When additional, relevant information is obtained after the report is submitted under (1) of this subsection, the operator shall make supplementary reports as deemed necessary with a clear reference by date and subject to the original report.

~~(c)(3)~~ The incident report required by this subsection need not be submitted with respect to master meter systems.

~~(b) Annual report.~~

~~(1) Except as provided in (2) of this subsection, each operator of a distribution pipeline system shall submit an annual report for the system on United States Department of Transportation Form RSPA F 7100.1-1. This report must be submitted each calendar year, not later than March 15, for the preceding calendar year.~~

~~(2) The annual report required by this subsection need not be submitted with respect to:~~

~~(A) Petroleum gas systems which serve fewer than 100 customers from a single source; or~~

~~(B) Master meter systems.~~

~~(c) Transmission or gathering systems reporting distribution pipelines.~~

~~Each operator, primarily engaged in gas transmission or gathering, who operates distribution pipelines shall submit separate reports for those pipelines as required by (a) and (b) of this Section.~~

165:20-5-14. Transmission and gathering systems reporting requirements

~~(a) Incident report.~~

~~(a)(1)~~ Except as provided in (2) of this subsection, each operator of a transmission or a gathering pipeline system shall submit United States Department of Transportation PHMSA Form F 7100.2 as soon as practicable but not more than thirty (30) days after detection of an incident.

~~(b)(2)~~ When additional, relevant information is obtained after the incident report is submitted under (1) of this subsection, the operator shall make supplementary reports as deemed necessary by referencing the date and subject of the original report.

~~(b) Annual report.~~

~~(1) Each operator of a transmission or a gathering pipeline system, shall submit an annual report on United States Department of Transportation PHMSA Form F 7100.2-1. This report must be submitted each year, not later than March 15, for the preceding calendar year.~~

~~(2) Each operator will complete all sections of United States Department of Transportation PHMSA Form F 7100.2-1 regardless of its total mileage of pipeline.~~

~~(c) Distribution systems reporting transmission pipelines.~~

~~Each operator, primarily engaged in gas distribution, who also operates gas transmission or gathering pipelines shall submit separate reports for each.~~

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, 2020,~~ with all amendments and appendices thereto, subject to the following:

- (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, Title 63 O.S. §§ 142.1 through 142.13 ~~as such exist on January 1, 2020.~~
- (b) The Commission will enforce the provisions of Title 63 O.S. §§ 142.1 through 142.13 ~~as such exist on January 1, 2020,~~ against intrastate and interstate gas pipelines, as described in 49 C.F.R. Part 192.1.

SUBCHAPTER 6. SAFETY REGULATIONS FOR UNDERGROUND NATURAL GAS STORAGE FACILITIES

165:20-6-1. Adoption of federal safety regulations

The Commission adopts all of the provisions of 49 C.F.R. Parts 191 and 192, ~~as such exist on January 1, 2020,~~ with all amendments and appendices thereto, pertaining to Intrastate Underground Natural Gas Storage Facilities.

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, 2020,~~ with all amendments and appendices thereto, subject to the following:

- (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) or submitting a report online at ~~the~~ <http://www.occweb.com/> <http://www.Oklahoma.gov/OCC> 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~~ ~~the operator~~ shall submit a supplemental report within thirty (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, Title ~~O.S.~~ 63 O.S. §§ 142.1 through 142.13 ~~as such exist on January 1, 2020.~~

(b) The Commission will enforce the provisions of Title 63 O.S. §§ 142.1 through 142.13, ~~as such exist on January 1, 2020.~~, against intrastate and interstate hazardous liquid or carbon dioxide pipelines, as described in 49 C.F.R. Part 195.1.

165:20-7-6. Annual report [REVOKED]

~~(a) Each operator of a hazardous liquid pipeline shall submit an annual report on United States Department of Transportation PHMSA Form F 7000-1.1 for each type of hazardous liquid facility operated at the end of the previous year. This report must be submitted each year, not later than June 15th for the preceding calendar year.~~

~~(b) Each operator shall complete all required sections of United States Department of Transportation PHMSA Form F 7000-1.1 regardless of its total mileage of pipeline in the state.~~

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, ~~as such exist on January 1, 2020~~ with all amendments and appendices thereto.

SUBCHAPTER 17. OBLIGATIONS UNDER THE OKLAHOMA UNDERGROUND FACILITIES DAMAGE PREVENTION ACT SUBJECT TO COMMISSION ENFORCEMENT

165:20-17-7. Immediate notice of excavation damages caused by excavator to gas distribution mains, gas transmission pipelines, gas gathering pipelines, and all hazardous liquid pipelines

(a) At the earliest practicable moment following discovery, but no later than one hour after confirmed discovery, each operator must give notice in accordance with paragraph (b) of this section of excavation damage occurring to gas distribution mains, gas transmission pipelines, gas gathering pipelines and hazardous liquid pipelines that exceeds Ten Thousand dollars (\$10,000) in property damage. Property damage shall include cost to excavator, operator, property owner and lost product. as defined in the Oklahoma Underground Facilities Damage Prevention Act (Title 63 O.S. § 142.2).

(b) Each notice required by paragraph (a) of the section must be made to the Commission's Pipeline Safety Department either by telephone to 405-521-2258 or electronically at ~~http://www.occweb.com~~ TRPipelinesafety@occ.ok.gov and must submit the following information:

- (1) Names of operator and person making report and their telephone numbers.
- (2) The location of the excavation damage.
- (3) The time operator confirmed the excavation damage.
- (4) The number of fatalities and personal injuries, if any.
- (5) Name, contact number, and address of party causing excavation damage, if known at the time of notification.
- ~~(5)~~(6) All other significant facts that are known by the operator that are relevant to the cause of the excavation damage.

165:20-17-8. Written report of all excavation damages caused by excavation

(a) Each operator shall submit a semiannual damage summary report ~~at least semiannually with to the Commission's Pipeline Safety Department. The report shall include contain the following information on each incident if facility~~ all damage resulting from excavation activity; ~~was discovered by the operator during that period. For each incident, at a minimum the following data, shall be included in the report:~~

- ~~(1) The type of operator;~~
- (1) Name and address of operator;
- ~~(2) The type of excavator;~~
- (2) Name, contact number, and address of party causing excavation damage;
- (3) The type of excavator equipment;
- (4) The location in which the damage occurred;
- (5) The type of facility ~~that was~~ damaged;
- (6) The date of the damage, (day, month and year);
- ~~(7) The type of locator, company or contractor; and~~
- ~~(8)~~ (7) The primary cause of the damage.

~~(b) The damage summary report for the first six (6) months of the calendar year shall be due on or before August 1 of the same calendar year. The damage summary report for the last six (6) months of the calendar year shall be due on or before February 1 of the next calendar year. No semiannual report shall be due for the period if any portion of the period falls within the six (6) months immediately following the effective date of this regulation.~~ The semiannual damage summary reports shall be due on March 1 and September 1. For semiannual damage summary reports due on September 1, the reporting period shall be from January 1 through June 30. For semiannual damage summary reports due on March 1, the reporting period shall be from July 1 through December 31.

(c) The report referenced in paragraph (b) can be submitted on a spreadsheet, single pages for each occurrence of excavation damage, or if the operator participates in the Common Ground Alliance's Damage Reporting Tool (DIRT) they may submit a copy of the report which reflects their data.

(d) If no damages have occurred during the reporting period, a report is still required indicating "No Damages Occurred".

(e) Reports can be submitted via TRPipelinesafety@occ.ok.gov.

(f) Should any of the information required in 165:20-17-8(a) not be available, the operator shall, prior to the next semiannual report, supply the missing data. An explanation of what actions were taken to secure the information must be supplied if after a good faith effort to secure the information is performed the information remains unavailable.