

**TITLE 165. CORPORATION COMMISSION  
CHAPTER 20. GAS & HAZARDOUS LIQUID PIPELINE SAFETY  
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[**Authority:** 52 O.S., §§ 5 and 47.3; OKLA. CONST. art IX, §§ 4 and 18]

[**Source:** Codified 12-31-91]

## CHAPTER 20. GAS AND HAZARDOUS LIQUID PIPELINE SAFETY

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 165:20-1-1 Purpose

The purpose of this Chapter is to provide minimum safety standards for the transportation of gas and hazardous liquids and for pipeline facilities used for this transportation.

#### 165:20-1-2. Definitions

For proper interpretation of this Chapter, definitions are also provided in the herein adopted C.F.R. provisions. The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Commission"** means the Oklahoma Corporation Commission.

**"Intrastate"** means wholly within the boundaries of the State.

**"Legal staff"** means the office of General Counsel of the Commission.

**"Manager of Pipeline Safety"** means the Manager of the Pipeline Safety Department of the Commission.

**"Pipeline Safety Department"** means the Department of Pipeline Safety for the Commission.

**"Secretary"** means the custodian of official records of the Commission.

**"State"** means the State of Oklahoma and all lands within its boundaries.

**"Transportation of gas or hazardous liquids"** means the gathering, transmission, or distribution of gas or hazardous liquids by pipeline or its storage.

#### 165:20-1-3. Citation

The rules embodied in this Chapter shall be cited as OAC 165:20.

#### 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 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 and 7 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 the subject matter of an enforcement action at the Commission.

[Source: Amended at 15 Ok Reg 3002, eff 7-15-98]

#### 165:20-1-5. Severability

The provisions of this Chapter are severable and if any part or provision hereof shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Chapter.

OAC 165:20.

**165:20-1-6. Office location; mailing address**

- (a) The office of the Commission's Pipeline Safety Department is in the Jim Thorpe Building located at 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.
- (b) The mailing address of the Commission is P. O. Box 52000, Oklahoma City, Oklahoma 73152-2000.

[Source: Added at 19 Ok Reg 1965, eff 7-1-02]

**SUBCHAPTER 3. PIPELINE ASSESSMENTS**

**165:20-3-1. Pipeline assessments**

(a) **Application.** Each operator of a pipeline subject to Subchapters 5 and 7 shall pay a pipeline assessment to the Commission as set forth in the provisions of this Subchapter.

(b) **Calculation.** For purposes of this Subchapter, the pipeline assessment shall be determined as follows:

(1) For gas pipeline operators required to submit an annual report pursuant to 165:20-5-13(b) and 165:20-5-14(b). On the basis of the total number of miles of pipeline as reported on their annual report multiplied by the assessment rate of \$25.00 per mile of pipeline for the fiscal year starting on July 1.

(2) For hazardous liquid pipeline operators required to submit an annual report pursuant to 165:20-7-6. On the basis of the total number of miles of pipeline as reported on their annual report multiplied by the assessment rate of \$75.00 per mile of pipeline for the fiscal year starting on July 1.

(3) For master meter operators. The annual assessment shall be \$200.00.

(4) The minimum annual pipeline assessment owed by an operator is \$200.00.

(c) **Payment.**

(1) For purposes of payment of assessment, an assessable year shall be the period of time from the first day of July of any given calendar year to the 30th of June of the following year.

(2) All operators who must pay a pipeline assessment under the provisions of this Subchapter shall pay their pipeline assessment for any given assessable year on or before the 15th of August of each assessable year.

(3) Operators who purchase or acquire pipeline systems subject to a pipeline assessment are responsible for payment of the assessment.

(4) All payments of assessments shall be deposited by the Commission in the "Corporation Commission Revolving Fund".

[Source: Amended at 11 Ok Reg 3703, eff. 7-11-94; Amended at 14 Ok Reg 2496, eff. 7-1-97; Amended at 18 Ok Reg 2376, eff 7-1-01; Amended at 25 Ok Reg 1866, eff. 7-1-08; Amended at 28 Ok Reg 1125, eff. 7-1-11; Amended at 36 Ok Reg 546, eff. 8-1-19]

## SUBCHAPTER 5. SAFETY REGULATIONS FOR GAS PIPELINES

### PART 1. GENERAL PROVISIONS

#### **165:20-5-1. Definitions [REVOKED]**

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97; Amended at 19 Ok Reg 1965, eff 7-1-02; Revoked at 36 Ok Reg 547, eff. 8-1-19]

#### **165:20-5-2. Scope**

- (a) This Subchapter prescribes requirements for the reporting of incidents, safety related condition reports, and annual reports by operators of gas pipelines facilities subject to this Subchapter.
- (b) This Subchapter does not apply to 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 in 49 C.F.R. § 192.8.

[Source: Amended at 28 Ok Reg 1125, eff 7-1-11]

#### **165:20-5-3. Annual reports and incident reports; federal reporting requirements**

The reporting requirements of 165:20-5-11, 165:20-5-12, 165:20-5-13, and 165:20-5-14 do not relieve the operator of its federal reporting requirements as found in 49 C.F.R. §§ 191.5, 191.7, 191.9, 191.11, 191.13, 191.15 and 191.17.

[Source: Amended at 36 Ok Reg 547, eff 8-1-19]

#### **165:20-5-4. Change of ownership and/or operator**

Each operator, upon finalization of an agreement to purchase or sell a gas pipeline subject to the provisions of 49 C.F.R. Part 192, must within five (5) working days submit to the Pipeline Safety Department a written notification of this agreement.

[Source: Added at 14 Ok Reg 2496, eff 7-1-97; Amended at 36 Ok Reg 547, eff. 8-1-19]

### PART 3. TELEPHONIC NOTICE AND REPORTING REQUIREMENTS

#### **165:20-5-11. Telephonic notice of certain incidents**

- (a) At the earliest practicable moment, but no more than one (1) hour following discovery, each operator shall give notice in accordance with (b) and (c) of this Section of each incident as defined in 49 C.F.R. § 191.3.
- (b) Each notice required by (a) of this Section shall be made by telephone to the Pipeline Safety Department at 405-521-2258 or submitting a report online at <http://www.occeweb.com/> and shall include the information as listed in (c) of this Section.
- (c) The following information will be provided:
  - (1) Names of operator and person making report and their telephone numbers.
  - (2) The location of the incident.
  - (3) The time of the incident.
  - (4) The number of fatalities and personal injuries, if any.

(5) All other significant facts known by the operator that are relevant to the cause of the incident or extent of the damage.

[Source: Amended at 11 Ok Reg 3703, eff 7-11-94; Amended at 14 Ok Reg 2496, eff 7-1-97; Amended at 19 Ok Reg 1965, eff 7-1-02; Amended at 36 Ok Reg 547, eff. 8-1-19]

#### **165:20-5-12. Address for written reports**

Each written report required by this Subchapter must be made to the Pipeline Safety Department, Oklahoma Corporation Commission, in accordance with OAC 165:20-1-6 of this Chapter.

[Source: Amended at 19 Ok Reg 1965, eff 7-1-02]

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

##### **(a) Incident report.**

(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.

(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.

(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.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97; Amended at 19 Ok Reg 1965, eff 7-1-02]

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

##### **(a) Incident report.**

(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.



(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.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97; Amended at 19 Ok Reg 1965, eff 7-1-02; Amended at 28 Ok Reg 1125, eff 7-1-11; Amended at 36 Ok Reg 547, eff. 8-1-19]

**165:20-5-15. Telephonic notice of an evacuation of a building [REVOKED]**

[Source: Added at 14 Ok Reg 2496, eff 7-1-97; Revoked at 36 Ok Reg 548, eff. 8-1-19]

**165:20-5-16. Reporting safety related conditions**

Pursuant to 49 C.F.R. § 191.25, each operator shall submit to the Pipeline Safety Department a duplicate of any safety related condition report filed pursuant to 49 C.F.R. § 191.23.

[Source: Added at 28 Ok Reg 1125, eff 7-1-11]

**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, 2019, 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.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97; Amended at 28 Ok Reg 1125, eff 7-1-11; Amended at 34 Ok Reg 933, eff 9-11-17; Amended at 35 Ok Reg 983, eff 10-1-18; Amended at 36 Ok Reg 548, eff. 8-1-19]

OAC 165:20.

## **PART 7. PIPELINE CONSTRUCTION AND CONSUMER SAFETY**

### **165:20-5-31. Notice of construction [RESERVED]**

### **165:20-5-32. Notice requirements for construction**

- (a) Each operator prior to the construction of a new pipeline, or a relocation or replacement of a pipeline, subject to the jurisdiction of the Commission as established by 165:20-5-2 shall:
- (1) Complete and file Form 5001 with the Commission. Form 5001 shall be mailed seven (7) calendar days prior to the commencement of construction, relocation, or replacement; or
  - (2) In the event of an emergency, give telephonic notice of emergency construction, relocation, or replacement to the Pipeline Safety Department of the Commission followed by mailing Form 5001 within five (5) work days after telephonic notice is given.
- (b) The requirements of (a) of this Section shall not apply to the installation of a pipeline of less than one (1) mile.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97]

### **165:20-5-33. Special safety standards for residential service [RESERVED]**

### **165:20-5-34. Restrictions on connections to consumers [REVOKED]**

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97; Revoked at 36 Ok Reg 548, eff. 8-1-19]

## **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 142.11 as such exists on January 1, 2019.
- (b) The Commission will enforce the provisions of Title 63 O.S. §§ 142.1 through 142.11, as such exists on January 1, 2019, against all intrastate and interstate gas pipelines, as described in 49 C.F.R. Part 192.1.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97; Amended at 35 Ok Reg 983, eff 10-1-18; Amended at 36 Ok Reg 548, eff. 8-1-19]

## **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, 2019, 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.occeweb.com/> 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 submit 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 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."

[Source: Amended at 19 Ok Reg 1965, eff 7-1-02; Amended at 28 Ok Reg 1125, eff 7-1-11; Amended at 34 Ok Reg 933, eff 9-11-17; Amended at 35 Ok Reg 983, eff 10-1-18; Amended at 36 Ok Reg 548, eff. 8-1-19]

### **165:20-7-2. Notice requirements for pipeline construction**

(a) Except as provided in (b) of this Section, each operator prior to the construction of a new pipeline, or a relocation or replacement of a pipeline, subject to the jurisdiction of the Commission as established by 165:20-7-1(2), shall:

(1) Complete and file Form 5001 with the Commission. Form 5001 shall be mailed seven (7) calendar days prior to the commencement of construction, relocation or replacement; or

(2) In the event of an emergency, give telephonic notice of emergency construction, relocation, or replacement to the Pipeline Safety Department or the Commission, followed by mailing Form 5001 within five (5) work days after telephonic notice is given.

OAC 165:20.

(b) The requirements of (a) of this Section shall not apply to the installation of a line of less than one (1) mile in length.

**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 63 O.S. §§ 142.1 through 142.11 as such exists on January 1, 2019.

(b) The Commission will enforce the provisions of Title 63 O.S. §§ 142.1 through 142.11, as such exists on January 1, 2019, against intrastate and interstate hazardous liquid or carbon dioxide pipelines, as described in 49 C.F.R. Part 195.1.

[Source: Added at 10 Ok Reg 2615, eff. 6-25-93; Amended at 35 Ok Reg 983, eff 10-1-18; Amended at 36 Ok Reg 549, eff. 8-1-19]

**165:20-7-4. Change of ownership and/or operator**

Each operator, upon finalization of an agreement to purchase or sell a hazardous liquid pipeline subject to the provisions of 49 C.F.R. Part 195, must within five (5) working days submit to the Pipeline Safety Department a written notification of this agreement.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97; Amended at 36 Ok Reg 549, eff. 8-1-19]

**165:20-7-5. Reporting safety related conditions**

Each operator who is required to report a safety related condition as detailed in 49 C.F.R. § 195.55, shall file a duplicate written report as detailed in 49 C.F.R. § 195.56, with the Pipeline Safety Department.

[Source: Added at 28 Ok Reg 1125, eff 7-1-11]

**165:20-7-6. Annual report**

(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 15<sup>th</sup> 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.

[Source: Added at 28 Ok Reg 1125, eff 7-1-11; Amended at 36 Ok Reg 549, eff. 8-1-19]

**SUBCHAPTER 9. RURAL GAS GATHERING AND HAZARDOUS LIQUID PIPELINES, AND FLOWLINES [REVOKED]**

**165:20-9-1. Definitions [REVOKED]**

[Source: Revoked at 18 Ok Reg 2376, eff 7-1-01]

**165:20-9-2. Scope [REVOKED]**

[Source: Revoked at 18 Ok Reg 2376, eff 7-1-01]

**165:20-9-3. General operating restrictions [REVOKED]**

[Source: Revoked at 18 Ok Reg 2376, eff 7-1-01]

**165:20-9-4. Minimum cover [REVOKED]**

[Source: Revoked at 18 Ok Reg 2376, eff 7-1-01]

**165:20-9-5. Line markers [REVOKED]**

[Source: Revoked at 18 Ok Reg 2376, eff 7-1-01]

**165:20-9-6. Notice of certain incidents [REVOKED]**

[Source: Revoked at 18 Ok Reg 2376, eff 7-1-01]

**165:20-9-7. Notice of construction [REVOKED]**

[Source: Revoked at 18 Ok Reg 2376, eff 7-1-01]

**165:20-9-8. Change of ownership [REVOKED]**

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97; Revoked at 18 Ok Reg 2376, eff 7-1-01]

**SUBCHAPTER 10. NON-DOT REGULATED GAS GATHERING PIPELINES**

**165:20-10-1. Authority**

Pursuant to 52 OKLA. STAT. Section 5.B., the Commission has adopted this Subchapter establishing rules relating to incidents on a gathering pipeline unit that is not subject to the U.S. Department of Transportation Pipeline Safety Regulations at 49 C.F.R. Parts 191 and 192.

[Source: Added at 28 Ok Reg 1125, eff 7-1-11]

**165:20-10-2. Definitions**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"DOT" means the United States Department of Transportation,

"Gathering pipeline unit" means the portion of the nonregulated gathering pipeline involved in the incident not to exceed one mile of pipeline.

"Non-DOT gathering pipeline incident" means any of the following events:

- (A) An event that involves a release of gas from a gathering pipeline unit and that results in one or more of the following consequences:
- (i) A death, or personal injury necessitating in-patient hospitalization;
  - (ii) Estimated property damage of \$50,000.00 or more, including loss to the operator and others, or both, but excluding cost of gas lost; or
  - (iii) Unintentional estimated gas loss of three million cubic feet or more.
- (B) Any other event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraph A.

[Source: Added at 28 Ok Reg 1125, eff 7-1-11]

**165:20-10-3. Telephonic notice of certain non-DOT gathering pipeline incidents**

- (a) At the earliest practicable moment, but no more than 24 hours following determination of a non-DOT gathering pipeline incident, an operator shall give notice of each non-DOT gathering pipeline incident.
- (b) Notice shall be made by telephone to the Pipeline Safety Department at 405-521-2258, and shall include the following information:
- (1) Name of the operator.
  - (2) Name and telephone number of the person making the report.
  - (3) The location of the non-DOT gathering pipeline incident.
  - (4) The time of the non-DOT gathering pipeline incident.
  - (5) The number of fatalities and personal injuries, if any.
  - (6) All other significant facts known by the operator that are relevant to the cause of the non-DOT gathering pipeline incident or extent of the damages.

[Source: Added at 28 Ok Reg 1125, eff 7-1-11]

**165:20-10-4. Non-DOT gathering pipeline incident reports**

- (a) Each operator that experiences a non-DOT gathering pipeline incident shall, as soon as practicable but not later than 30 days after discovery, prepare and file a report on DOT PHMSA Form F 7100.2 with the Pipeline Safety Department, In addition to the information required on Form F 7100.2, the report shall contain:
- (1) In the narrative description of the event, the remedial action taken and any action taken to mitigate a similar non-DOT gathering pipeline incident on the gathering pipeline unit: and
  - (2) A map depicting the location of the non-DOT gathering incident.
- (b) Whenever an operator receives any changes in the information reported on the original report, it shall file a supplemental report within 30 days. Where additional relative information is obtained after a report is submitted under paragraph (a) of this Section, the operator shall make a supplemental report as soon as practicable with a clear reference by date and subject to the original report.

[Source: Added at 28 Ok Reg 1125, eff 7-1-11]

### **165:20-10-5. Remedial action**

Each operator that experiences a non-DOT gathering pipeline incident shall make all repairs in accordance with 49 C.F.R. §§ 192.309, 192.311, 192.711, 192.713, 192.715, 192.717, and 192.719.

[Source: Added at 28 Ok Reg 1125, eff 7-1-11]

### **165:20-10-6. Record confidentiality**

(a) Except as provided in (b) of this Subchapter, all reports, data, maps or other information which the Commission may be authorized to obtain under the provisions of this Subchapter may be filed as confidential and the Commission shall maintain them as confidential and such records shall not be subject to the provisions of the Oklahoma Open Records Act. Only authorized Commission employees may obtain or access such confidential records.

(b) Notwithstanding the above, the following information will be available upon request from the Pipeline Safety Department:

- (1) Date and time of the non-DOT gathering pipeline incident.
- (2) Location of the non-DOT gathering pipeline incident.
- (3) Name of the operator.
- (4) External diameter of the gathering pipeline unit involved in the non-DOT gathering pipeline incident.
- (5) Number of fatalities and injuries.

[Source: Added at 28 Ok Reg 1125, eff 7-1-11]

## **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 on January 1, 2018.

[Source: Amended at 35 Ok Reg 983, eff 10-1-18]

### **165:20-11-2. Reporting of anti-drug testing results**

Each operator who is required to submit anti-drug testing results pursuant to 49 C.F.R. § 199.119 shall file a duplicate with the Pipeline Safety Department.

[Source: Added at 28 Ok Reg 1125, eff 7-1-11]

## **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 Title 52 O.S. § 5 and 52 O.S. §§ OAC 165:20.

47.1 through 47.8, Title 63 O.S. § 142.13 of the Oklahoma Underground Facilities Damage Prevention Act, Title 63 O.S. §§ 142.1 et seq., 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 Title 17 O.S. § 1 et seq., fining an operator up to the maximum amount provided by Title 17 O.S. § 6.1.

(2) For each violation of a Commission rule for hazardous liquid pipelines, the Commission may issue an order pursuant to Title 52 O.S. § 47.1 et seq., fining an operator up to the maximum amount provided by Title 52 O.S. § 47.6.

[Source: Amended at 10 Ok Reg 2615, eff 6-25-93; Amended at 28 Ok Reg 1125, eff 7-1-11; Amended at 34 Ok Reg 933, eff 9-11-17; Amended at 36 Ok Reg 549, eff. 8-1-19]

### **165:20-13-2. Service**

(a) Each notice of probable violation, warning letter, notice of hearing, order of the Commission, or other document required to be served under this Subchapter shall be served personally or by registered or certified mail to all respondents.

(b) Service upon a person's duly authorized representative or agent shall constitute service upon that person.

(c) Service by registered or certified mail is complete upon mailing. An official U.S. Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of mailing.

[Source: Amended at 36 Ok Reg 549, eff. 8-1-19]

### **165:20-13-3. Subpoenas; witness fees**

The issuance of subpoenas and payment of witness fees shall be in accordance with the provisions of the Commission's Rules of Practice, OAC 165:5-11-3.

## **PART 3. PROCEDURE**

### **165:20-13-11. General enforcement authority and sanctions**

(a) This Subchapter describes the enforcement authority and sanctions exercised by the Oklahoma Corporation Commission Pipeline Safety Department for achieving and maintaining pipeline safety. It also prescribes the procedures governing the exercise of that authority and the imposition of those sanctions, all of which include and supplement the applicable Commission Rules of Practice, OAC 165:5.

(b) A person who is the subject of action pursuant to this Subchapter may be represented by legal counsel at all stages of the proceeding.

(c) If respondent does not submit a response prior to the hearing date or does not enter an appearance at the hearing, a confession of the allegations may be rendered in accordance with OAC 165:5-19-1(c) (5), and judgment may be rendered in accordance with OAC 165:5-19-1(f).

[Source: Amended at 36 Ok Reg 550, eff. 8-1-19]



### **165:20-13-12. Inspections and accident investigations**

- (a) The Pipeline Safety Department and its agents are authorized to inspect and examine the records and/or properties of any pipeline subject to the jurisdiction of the Commission, as established by 165:20-5.21, and 165:20-7-1, to determine the operator's compliance with this Chapter or orders issued thereunder.
- (b) Inspections are ordinarily conducted pursuant to one of the following:
- (1) Routine scheduling by the Manager of Pipeline Safety.
  - (2) A complaint received from a member of the public.
  - (3) Information obtained from a previous inspection.
  - (4) Pipeline incident or accident.
  - (5) Whenever deemed appropriate by the Commission, Manager of Pipeline Safety, or his designee.
- (c) If, after an inspection, the Manager of Pipeline Safety believes that further information is needed to determine appropriate action, the Manager of Pipeline Safety may send the owner or operator a "Request for Specific Information" to be answered within 30 days after receipt of the letter.
- (d) To the extent necessary to carry out the responsibilities under this Chapter, the Manager of Pipeline Safety may require testing of portions of pipeline facilities that have been involved in, or affected by, an accident. However, before exercising this authority, the Manager of Pipeline Safety, shall make every effort to negotiate a mutually acceptable plan with the owner of those facilities and, where appropriate, the National Transportation Safety Board for performing the testing.
- (e) If a representative of the Commission investigates an incident involving a pipeline facility, the Manager of Pipeline Safety may request that the operator make available to the representative all records and information that pertain to the incident in any way, including integrity management plans and test results, and that the operator afford all reasonable assistance in the investigation.
- (f) When the information obtained from an inspection or from other appropriate sources indicates that further Commission action is warranted, the Manager of Pipeline Safety may issue a notice of probable violation letter under 165:20-13-13.

[Source: Amended at 28 Ok Reg 1125, eff 7-1-11]

### **165:20-13-13. Notice of probable violations**

- (a) The Commission begins enforcement proceedings by serving a notice of probable violation of this Chapter or any regulation or order issued thereunder. This notification shall advise the operator that a written response is required and that failure to respond may result in enforcement action in accordance with 165:20-13-15.
- (b) A notice of probable violation issued under this Section shall include:
- (1) Statement of the provisions of the laws, regulations, or orders which the respondent is alleged to have violated and a statement of the evidence upon which the allegations are based.
  - (2) Notice of response options available to the respondent under 165:20-13-14.

### **165:20-13-14. Response options**

Within thirty (30) days of receipt of a notice of probable violation, the respondent shall respond to the Manager of Pipeline Safety in the following ways:

- (1) Indicate that the probable violation listed in the notice of probable violation is a violation

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of this Chapter and that it has been corrected. The response shall indicate how the violation was corrected.

(2) Indicate that the probable violation listed in the notice of probable violation is a violation of this Chapter and request a reasonable period of time to correct the violation. Each request for an extension of time to correct the violation must be accompanied by a detailed reason(s) as to why compliance cannot be accomplished by the original suspense date and the date the operator believes the necessary compliance actions can be completed.

(3) Object to the probable violation and submit written explanations, Information, or other material in answer to the allegations in the notice of probable violations.

(4) Request a conference under 165:20-13-16.

#### **165:20-13-15. Warning letter, complaint, or contempt citation**

(a) If after the expiration of the thirty (30) day response period prescribed in 165:20-13-14 the owner or operator of the probable violation has not responded to the notice of probable violation, the Manager of Pipeline Safety may issue a warning letter advising the owner or operator of the probable violation to correct the violations or be subject to further Commission enforcement action under (b) of this Section.

(b) The Commission legal staff may issue a complaint or contempt citation notifying the owner or operator of the probable violation and that a hearing has been set before the Commission to address the owner's or operator's violation of this Chapter, the prosecution of which shall be in accordance with the applicable Commission Rules of Practice, OAC 165:5.

(c) The severity of the probable violation or the conduct of the owner or operator in responding to the notice of probable violation as interpreted by the Commission, may be considered in determining the type of complaint or contempt citation issued by the Commission. These warning letters, complaints, and contempt citations shall be served as provided in 165:20-13-2.

#### **165:20-13-16. Conference**

(a) A request for conference in response to a notice of probable violation issued under 165:20-13-13 must be accompanied by a statement of the issues which the respondent intends to raise at the conference. The issues may relate to the alleged violations, new information, or the required corrective action.

(b) The conference is conducted informally without strict adherence to the Commission's Rules of Practice, OAC 165:5. The respondent may submit any relevant information and materials on his behalf. He may also examine the complaints against him. No detailed record of the conference is prepared.

(c) At the outset of the conference, the complaints shall be presented by the Manager of Pipeline Safety or his designee. The respondent may examine and respond to or rebut the complaints.

(d) After the presentation of the complaints, the respondent may offer facts, statements, explanations, documents, testimony, or other items which are relevant to the issues under consideration.

(e) At the close of the respondent's presentation, the Manager of Pipeline Safety may present or allow the presentation of any Pipeline Safety Department rebuttal information. The respondent may then respond to that information.

(f) The respondent may also request an opportunity to submit further written material for inclusion in the case file. The Manager of Pipeline Safety shall allow a reasonable time for submission of the material and shall specify the date by which it must be submitted.

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(g) After submission of all material during and after the conference, the Manager of Pipeline Safety shall determine if further Commission enforcement action is necessary.

## **PART 5. MISCELLANEOUS PROVISIONS**

### **165:20-13-21. Cooperation with federal authorities**

The Pipeline Safety Department, the Commission legal staff and all other agents of the Commission shall cooperate with the United States Department of Transportation in the investigation and prosecution of any violation of 49 C.F.R. Parts 192 and 195 occurring within this State.

### **165:20-13-22. Administrative enforcement**

Whenever the Manager of Pipeline Safety, after inspection, finds a pipeline facility which is subject to the jurisdiction of the Commission to be hazardous to life or property, he is authorized to require the operator operating such facility to take such corrective measures as are reasonably necessary to remove such hazards.

### **165:20-13-23. Request for exception to rule or order**

(a) An operator may request an exception to a requirement of an order or rule of the Commission. Such a request shall be made by application conforming to the requirements of the Commission Rules of Practice, OAC 165:5.

(b) After notice and hearing conforming to the requirements of the Commission's Rules of Practice, OAC 165:5, and the laws of this State, the Commission shall issue an order specifying such relief as it deems appropriate.

(c) Any Commission order that grants relief from the requirements of any rule as listed in 49 C.F.R. §§ 191, 192, or 195 shall be subject to the review and approval of the Office of Pipeline Safety in Washington D.C. The Commission, upon granting relief, shall submit request pursuant to the requirements of the Natural Gas Pipeline Safety Act of 1979, Section 3 (d).

(d) Neither the Pipeline Safety Department nor the Commission legal staff shall grant relief from the requirements of any rule of the Commission, unless so ordered by the Commission.

## **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 on January 1, 2019.

[Source: Added at 26 Ok Reg 1127, eff 7-1-09; Amended at 34 Ok Reg 933, eff 9-11-17; Amended at 35 Ok Reg 983, eff 10-1-18; Amended at 36 Ok Reg 550, eff. 8-1-19]

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

**165:20-17-1. Scope**

(a) This Subchapter applies to Commission enforcement pursuant to 63 O.S. § 142.13 of the Oklahoma Underground Facilities Damage Prevention Act, 63 O.S. §§ 142.1 et seq., with respect to those facilities described by the currently effective definition of "pipeline" in 49 C.F.R. § 192.3 and "pipeline" and "pipeline system" in 49 C.F.R. § 195.2. This Subchapter does not apply to any other underground facility, except to the extent it may qualify as a "pipeline" or "pipeline system" under the referenced regulations.

(b) This Subchapter shall not be construed as limiting the Commission's authority to grant an exception, for good cause shown, to any rule contained in this Subchapter unless otherwise precluded by law.

(c) Nothing in this Subchapter shall be construed to modify or limit any private right of action arising under the Oklahoma Underground Facilities Damage Prevention Act and enforceable in the district courts of this State.

[Source: Added at 32 Ok Reg 779, eff 8-27-15]

**165:20-17-2. Definitions**

In addition to terms defined in 63 O.S. § 142.2, the following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Underground Facilities Damage Prevention Act, 63 O.S. §§ 142.1 et seq.

"Pipeline" means "pipeline" as defined in 49 C.F.R. § 192.3 and 49 C.F.R. § 195.2.

"Pipeline system" means "pipeline system" as defined in 49 C.F.R. § 195.2.

[Source: Added at 32 Ok Reg 779, eff 8-27-15]

**165:20-17-3. Statutory citation**

Citations to the Act, 49 C.F.R. § 192.3 and 49 C.F.R. § 195.2 in this Subchapter refer to the most recent codifications of the Act and such sections of the Code of Federal Regulations.

[Source: Added at 32 Ok Reg 779, eff 8-27-15]

**165:20-17-4. Compliance with the Act required**

(a) Compliance with the provisions of the Act applicable to a pipeline or pipeline system is required.

(b) The Commission may enforce any violation of the Act against any person to the extent:

(1) the violation occurs with respect to a pipeline or pipeline system; and

(2) the person against whom enforcement action is taken is subject to the provisions of the Act, including without limitation operators and excavators.

[Source: Added at 32 Ok Reg 779, eff 8-27-15]

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### **165:20-17-5. Emergencies**

An excavator shall immediately call the local 911 emergency telephone number and report any incident that results in an unintentional and uncontrolled release of flammable, toxic or corrosive gas or liquid from a pipeline or pipeline system. In this context, intentional acts refer to operator maintenance or repairs and not vandalism or other similar acts.

[Source: Added at 32 Ok Reg 779, eff 8-27-15]

### **165:20-17-6. Positive notification of size and material**

In addition to the provisions of Title 63, O.S. § 142.6, each operator served with a notice in accordance with subsection A of Title 63, O.S. § 142.6, shall notify the excavator of the size and material of an active underground facility.

[Source: Added at 36 Ok Reg 550, eff. 8-1-19]

### **165:20-17-7 Immediate notice of excavation damages caused by excavator**

(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 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.occeweb.com/> 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) All other significant facts that are known by the operator that are relevant to the cause of the excavation damage.

[Source: Added at 36 Ok Reg 550, eff. 8-1-19]

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

(a) Each operator shall submit a damage summary report at least semiannually with the Commission's Pipeline Safety Department. The report shall include information on each incident if facility 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;
- (2) The type of excavator;
- (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

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- (8) 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.
- (c) The report referenced in paragraph (b) can be 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 the report which reflects their data.

[Source: Added at 36 Ok Reg 550, eff. 8-1-19]

**165:20-17-9. Submitting a complaint about failure to follow the Oklahoma Underground Facilities Damage Prevention Act**

Anyone can submit a complaint against an excavator or pipeline operator for failing to comply with any portion of the Oklahoma Underground Facilities Damage Prevention Act by calling the Commission's Pipeline Safety Department at 405-521-2258 or submit the complaint online at the <http://www.occeweb.com/AspxForms/PipeLineForm.aspx>. The complaint must include at a minimum the following information:

- (1) First Name;
- (2) Last Name;
- (3) E-mail address;
- (4) Contact Phone Number;
- (5) Alternate Phone Number;
- (6) Mailing address;
- (7) City;
- (8) State;
- (9) Zip Code;
- (10) Date of Complaint or excavation damage;
- (11) Name of Pipeline Company or Excavating Company;
- (12) Location of Complaint (Section, Township, Range, GPS Coordinates or Street Address).

[Source: Added at 36 Ok Reg 550, eff. 8-1-19]

[Authority: 52 O.S., §§ 5 and 47.3; OKLA. CONST. art IX, §§ 4 and 18]

[Source: Codified 12-31-91]