

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

File No. 01X

RULE REVIEW CHECKLIST

RULE RECEIVED 5-21-82
FOR REVIEW 5-28-82
E DUE 6-3-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

pproved 6-2-82 Disapproved _____ Returned to Agency 6-3-82

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 6-3-82 Revisor approved 5/24/82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR.

✓ Order Adopting 5.14.82 Date see my comment re statutory authority

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing But see my comment

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency - rules accompanied notice

✓ Affidavit of Mailing Notice or rulemaking
4.8.82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
4.12.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

N/A Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JOHN P. SOPSIC
Commissioner of Public Safety

DATE: 6/2/82

ATTN : JAMES B. EARLY, Spec. Ass't. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules Of the State Department of Public Safety Governing Minimum Safety Standards for Transportation of Natural and Other Gas by Pipeline

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

LDS:drw
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Public Safety

Fire Marshal Division

Adopted Rules Governing Minimum Safety Standards for Transportation of Natural and Other Gas by Pipeline

Rules as Adopted

11 MCAR S 1.5201 Purpose. The purpose of 11 MCAR SS 1.5201-1.5210 is to prescribe reporting requirements for gas leaks and to prescribe minimum safety standards for pipeline facilities and the transportation of gas. These requirements and standards are required for state certification by the Natural Gas Pipeline Safety Act of 1968 as provided in United States Code, title 49, section 1674 (a) (1976 and Supplement III 1979).

11 MCAR S 1.5202 Scope. The requirements and standards in 11 MCAR SS 1.5204-1.5210 apply to the design, installation, inspection, testing, construction, operation, extension, replacement, and maintenance of pipeline facilities. The scope of 11 MCAR SS 1.5201-1.5210 is intended to be consistent with Minn. Stat. SS 299F.56-299F.64.

11 MCAR S 1.5203 Definitions.

A. Applicability. As used in 11 MCAR SS 1.5201-1.5210 the following terms and phrases have the meanings given them.

B. Secretary. "Secretary" means the Commissioner of Public Safety.

C. State agency. "State agency" means the Department of Public Safety, State Fire Marshal Division.

D. State. "State" means the state of Minnesota.

11 MCAR S 1.5204 Federal regulations adopted by reference. Reporting requirements for gas leaks and standards for gas and pipeline safety as provided in Code of Federal Regulations, title 49, parts 191 and 192 (1980) are incorporated by reference and made part of Minnesota rules subject to the amendments in 11

MCAR SS 1.5205-1.5210.

11 MCAR S 1.5205 Code of Federal Regulations, title 49, section 191.5. Code of Federal Regulations, title 49, section 191.5 is amended by adding a clause to read:

S 191.5 Telephonic notice of certain leaks.

(c) Each notice required by paragraph (a) of this section must also be telephoned to the State Fire Marshal, (612) 296-7641, and must include the information required by paragraph (b) of this section.

11 MCAR S 1.5206 Code of Federal Regulations, title 49, section 191.7. Code of Federal Regulations, title 49, section 191.7 is amended to read:

S 191.7 Addressee for written reports.

Each written report required by this part must be made to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. One copy of each written report required by this part must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104.

11 MCAR S 1.5207 Code of Federal Regulations, title 49, section 191.9. Code of Federal Regulations, title 49, section 191.9 is amended by adding a clause to read:

S 191.9 Distribution system: Leak report.

(c) Each operator of a distribution system serving 100,000 customers or fewer will comply with the leak reporting requirements of this paragraph by submitting one copy of each report to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104.

11 MCAR S 1.5208 Code of Federal Regulations, title 49, section 191.11 (a). Code of Federal Regulations, title 49, section 191.11 (a) is amended to read:

S 191.11 Distribution system: Annual report.

(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual

report on Department of Transportation Form DOT-F-7100.1-1. This report must be submitted not later than February 15 for the preceding calendar year. One copy of the report must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104, not later than February 15 for the preceding calendar year.

11 MCAR S 1.5209 Code of Federal Regulations, title 49, section 191.17. Code of Federal Regulations, title 49, section 191.17 is amended to read:

S 191.17 Transmission and gathering systems: Annual report.

Each operator of a transmission system or a gathering system shall submit to the Department of Transportation an annual report on Department of Transportation Form DOT-F-7100.2-1 not later than February 15, for the preceding calendar year. One copy of the report must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104, not later than February 15 for the preceding calendar year.

11 MCAR S 1.5210 Code of Federal Regulations, title 49, section 192.17. Code of Federal Regulations, title 49, section 192.17 is deleted and replaced with the following:

S 192.17 Filing of inspection and maintenance plans.

Each operator shall file with the State Fire Marshal a plan for inspection and maintenance of each pipeline facility he owns or operates. A change in an inspection and maintenance plan must be filed within 20 days after the change is made. Plans must be sent to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104.

Repealer. Rules of the Department of Public Safety, Fire Marshal Division, Fire Mar 1-5 are repealed.

APPROVED AS TO LEGALITY

June 2, 19 82

WARREN SPANNAUS, ATTORNEY GENERAL

BY Jerry D. Thomas

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 3 1982
Joan Anderson Growe
Secretary of State
10:25AM

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Minimum Safety Standards for Transportation of Natural and Other Gas by Pipeline.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on April 12, 1982, and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. section 15.0412, subd.4, on April 8, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules, identified as 11MCAR 1.5201 through 1.5210 are adopted this 14th day of May, 1982, pursuant to authority vested in me by Minn. Stat. Section 299A.01, subd. 6.

STATE OF MINNESOTA

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Minimum Safety Standards for Transportation of Natural and Other Gas by Pipeline.

ORDER FOR NOTICE FOR INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 15th day of March, 1982, that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

Department of Public Safety

Fire Marshal Division

In The Matter of the Proposed Adoption of Rules of the State

Department of Public Safety Governing Minimum Safety Standards

for Transportation of Natural and Other Gas by Pipeline.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Section 15.0412, Subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Sections 299F.56 through 299F.64. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address. 9

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 15.0412, subdivision 7. 10

STATE OF MINNESOTA

March 24, 1982
DATE

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Minimum Safety Standards for Transportation of Natural and Other Gas by Pipeline.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT A RULE WITHOUT PUBLIC HEARING

Diane Hamilton, being first duly sworn, deposes and says:

That on the 8th day of April, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, mailing list A. In addition, discretionary notice was served on all persons and associations contained on mailing list B.

Diane Hamilton

Subscribed and sworn to before me

this 10th day of May.

1982.

Sheryl L. Nielsen

SHERYL L. NIELSEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Feb. 4, 1987

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Minimum Safety Standards for Transportation of Natural and Other Gas by Pipeline.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 15.0412, subd. 4, that their names be placed on file with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 A.M., this 8th day of April, 1982.

Diane K. Hamilton

Hpeline Safety Mailing List A.

AID Homes, Inc./Horizon Apts.
1094 Waterloo Ave.
West St. Paul, MN 55118

Board of Directors
Alpha Homes, Inc.
P.O. Box 475
Spicer, MN 56288

Amer. Bapt. Homes/Up. Midwest
7928 Eden Road
Eden Prairie, MN 55344

Gertrude M. James
Anoka Cnty Comm. Heath &
Social Services Dept.
Courthouse, 4th Floor
Anoka, MN 55303

Arnie Lee Memorial Home
Route 2
Evansville, MN 56326

Board of Directors
Assisi Residences
218 S. Linton
Blue Earth, MN 56013

Assoc. Bldrs/Contractors, Inc.
6300 Walker St., Suite 109
Mpls, MN 55416

Rick Carter
Assoc./Health Care Facilities
2850 Metro Drive, Suite 429
Mpls, MN 55420

Assoc./Residences for Retarded
459 Rice St. Suite 301
St. Paul, MN 55013

Board of Directors
Bakke Group Home
405 Lake St.
Osakis, MN 56360

Brighter Day Residences, Inc.
620 N. Wood St.
Mora, MN 55051

Board of Directors
Cath. Charities/Dioc. St. Cloud
1726 Seventh Av. S
St. Cloud, MN 56301

Board of Directors
Christian Concern, Inc.
402 N. Third St.
St. Peter, MN 56082

Board of Directors
Community Involvement
1926 Nicollet Ave. S.
Mpls, MN 55403

Community Living
Box 128
Victoria, MN 55386

Crippled Children's School
Box 23
Worthington, MN 56187

Dakota's Children, Inc.
400 W. Marie
West St. Paul, MN 55118

Board of Directors
Dell's Place, Inc.
235 S. Second Ave.
Delano, MN 55328

Dorothe Lane Children's Home
205 Sixth St.
Sauk Centre, MN 56378

Board of Directors
Duluth Regional Care
603 Alworth Bldg.
Duluth, MN 55802

Dungarvin, Inc.
865 Front St.
St. Paul, MN 55117

Kent E. Eklund
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Richard C. Buske
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Charles Schaffer
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Ed. Phillips & Sons, Co.
2345 Kennedy St. NE
Mpls, MN 55413

Fredrik M. Christiansen
Department of Education
Room 911, Capitol Sq. Bldg.
St. Paul, MN 55101

Episcopal Group Homes
522 Shadyway Road
Wayzata, MN 55391

Bonnie M. Spencer
Dir. State Regulatory Div.
Federal-State Reports, Inc.
5203 Leesburg Pike, Suite 1201
Falls Church, VA 22041

Fillmore Cnty Hndcpped Svcs.
135 Center St. SE
Harmony, MN 55939

Forestview Community Homes
P.O. Box 1249
Minnetonka, MN 55343

Board of Directors
Greenbrier Home, Inc.
941 Birmingham St.
St. Paul, MN 55106

Great River Homes, Inc.
717 Rustic Lane
Wabasha, MN 55981

Group Homes of Winona, Inc.
377 Main St.
Winona, MN 55987

Forestview-Hemmingway
8045 Hemmingway Ave. S.
Cottage Grove, MN 55016

Board of Directors
Hammer Residences, Inc.
1909 E. Wayzata Blvd.
Wayzata, MN 55391

Board of Directors
Hearthside Home
Pike Bay Drive, Lake Vermillion
Tower, MN 55790

Board of Directors
Hiawatha Children's Home
1820 Valkyrie Drive NW
Rochester, MN 55901

Hope Residence, Inc.
Box 63
Waterville, MN 56096

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Lakeview Home
Lincoln & W. Second Sts.
Sauk Centre, MN 56378

Mental Health Assoc. of MN
5501 Green Valley Drive #103
Mpls, MN 55437

John T. Farmer
Executive Director
MN Manufactured Housing Assoc.
222 E. Little Canada Rd.
Little Canada, MN 55117

Gordon Forbes
MN Railroads Assoc.
480 Cedar St., 303 Hanover Bldg.
St. Paul, MN 55101

James Murphy
Vice President
Nat'l Assoc. Indep. Insurers
2600 River Road
Des Plaines, IL 60018

Friendship Haven, Inc.
P.O. Box 576
Sherburne, MN 56171

Board of Directors
Harry Meyering Center
109 Homestead Drive, Box 302
Mankato, MN 56001

Heartland Homes/Ret. Citizens
P.O. Box 214
Park Rapids, MN 56470

Board of Directors
Hiawatha Manor, Inc.
107 Fifth Ave. NE
Pipestone, MN 56164

Homeward Bound, Inc.
4741 Zealand Ave.
New Hope, MN 55428

Conrad M. Fredin
Johnson, Fredin, Killen,
Thibodeau & Seiler
811 1st Nat'l Bank Bldg.
Duluth, MN 55802

Kathleen Burek
Executive Director
Leg. Comm./Review Admin. Rules
Rm 430, State Office Bldg.
St. Paul, MN 55155

Gen. Counsel/Legal Div.
MN Gas Company
300 Peavey Bldg.
Mpls, MN 55402

John G. Horner
MN Multi-Housing Assoc.
3100 W. Lake St.
Mpls, MN 55416

Mt. Olivet Rolling Acres
7200 Rolling Acres Rd.
Excelsior, MN 55331

Nekton, Inc.
633 N. Snellilng Ave.
St. Paul, MN 55104

Good Neighbor Home
1091 Fairmount Ave.
St. Paul, MN 55105

Sam Ruhle
Office of Admin. Hearings
310 So. 4th Ave.
Mpls, MN 55415

Henry Hagen Residence
19845 Lillehei Drv.
Hastings, MN 55033

Board of Directors
Home for Creative Living
108 Ninth St.
Windom, MN 56101

Innovative Homes, Inc.
P.O. Box 11
Kasson, MN 55944

Koep Group Home
Route 3
Fergus Falls, MN 56537

M.B.W. Company
801 Center St.
New Ulm, MN 56073

Jean Dawson
Editor
MN Government Report
B-12, Press Room
State Capitol Bldg.

Moore's Haven, Inc.
~~3940~~ 3490 N. Victoria
St. Paul, MN 55113

Abe Rosenthal
Executive Vice President
MN Transport Services Assoc.
1821 University Ave. (N310)
St. Paul, MN 55104

Board of Directors
New Dawn, Inc.
Route 1, Box K1
Fulda, MN 56131

Board of Directors
NorHavan Homes, Inc.
1394 Jackson St.
St. Paul, MN 55117

G. V. Welk
Mgr./Regulatory Compl. & Svc
Northern States Power Co.
414 Nicollet Mall
Mpls, MN 55401

Board of Directors
Orvilla, Inc.
3430 Westcott Hills Dr.
Eagan, MN 55123

People, Inc.
1245 NW Nat'l Bank Bldg.
St. Paul, MN 55101

Pine Ridge Homes, Inc.
915 18th St.
Cloquet, MN 55720

Peter S. Popovich
Peterson, Popovich, Knutson
& Flynn
314 Minnesota Bldg.
St. Paul, MN 55101

Ramsey Cnty. Commissioners
Courthouse
St. Paul, MN 55101

Board of Directors
Residence, Inc.
2499 N. Rice St. Suite 139
Roseville, MN 55133

Board of Directors
Riverview Manor, Inc.
Box 215
Wanamingo, MN 55983

South Center Manor, Inc.
Park Island
Center City, MN 55012

Sur La Rue, Inc.
1386 Jackson St.
St. Paul, MN 55117

Board of Directors
Northeast House, Inc.
2821 S. Inglewood Ave.
Mpls, MN 55416

Board of Directors
Olmsted ARC
1312 Seventh St. NW
Rochester, MN 5901

Outreach Group Homes, Inc.
2344 Nicollet Av. S. Suite 360
Mpls, MN 55404

Phillips Leg. Serv. Inc.
459 Rice St.
St. Paul, MN 55103

Pine River Group Home
Box 96
Pine River, MN 56474

Presbyterian Family Foundation
901 Service Drive
Willmar, MN 56201

Board of Directors
Range Center, Inc.
1001 Eighth Ave. NW
Chisholm, MN 55719

Residential Alternatives, Inc.
5449 Lyndale Ave. N
Mpls, MN 55430

Claudia Smith
Corporate Law Dept.
St. Paul Companies, Inc.
385 Washington St.
St. Paul, MN 55101

Dev. Disabilities Pl. Office
State Planning Agency
200 Capitol Sq. Bldg.
St. Paul, MN 55101

Bob Franklin
City Editor
Minneapolis Tribune
425 Portland Ave.
Mpls, MN 55488

Board of Directors
Northest Residence, Inc.
104 Bald Eagle Ave.
White Bear Lake, MN 55110

Bernice Fields
Research Analyst
Ombudsman for Corrections
333 Sibley, Rm 101 Nalpak Bldg.
St. Paul, MN 55101

Our House of MN, Inc.
1864 Portland Ave.
St. Paul, MN 55104

Board of Directors
Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

Thomas M. Polt
Polt Law Offices
McCarthy Bldg.
Eyota, MN 55934

Charles A. Kroeger
Executive Director
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

Resa, Inc.
38 Seventh Ave. N.
Hopkins, MN 55343

Residential Svcs. of NE MN
2048 E. Eighth St.
Duluth, MN 55812

Board of Directors
Salmi Board & Lodging Home
Route 1, Box 235
Aurora, MN 55705

Summit House
1004 Summit Ave.
Mpls, MN 55403

Robert L. Haven
Twin Town Treatment Center
1706 University Ave.
St. Paul, MN 55104

obert A. Silvagni
niversity of Minnesota
19 15th Av SE, 200 Shops Bldg.
pls, MN 55455

illmar Nursing Home, Inc.
004 Ella Ave.
illmar, MN 56201

oodvale Homes, Inc.
ox 1047
ustin, MN 55912

eorge C. Mastor
eneral Manager/Legal Div.
N Gas Company
00 Peavey Bldg.
pls, MN 55402

dney Watkins
05 University Road
oquet, MN 55720

undt, Frundt & Johnson
7 West 5th St.
ue Earth, MN 56013

Board of Directors
Valley Group Home
1332 Second Ave. No.
Moorhead, MN 56560

Windom CRF, Inc.
Box 244
Windom, MN 56101

Woodvale Management Svcs.
Box 1047
Austin, MN 55912

H. LeRoy DeBoom
3945 Zarthan Ave.
St. Louis Park, MN 55416

Kathy R. Van Kleeck
Motorcycle Industry Council
1001 Connecticut Ave. NW
Washington, DC. 20036

Board of Directors
Warner Care Homes
450 E. Third St.
Cokato, MN 55321

Robert Carstenbrock
Police Chief
Winona City Hall
4th & Lafayette St.
Winona, MN 55987

Jerry Kennan
Region Nine Dev. Commission
410 S. 5th St., PO Box 3367
Mankato, MN 56001

Marlis Johnson
Box 3367, Region 9
Mankato, MN 56001

POST Board
500 Metro Square Bldg.
St. Paul, MN 55101

Department of Public Safety rulemaking
governing Natural Gas Pipeline Safety

Mailing List B

Robert L. Paullin
Associate Director for Operations and Enforcement
Materials Transportation Bureau Department of Transportation
Research and Special Programs Administration
Washington, D.C. 20590

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Public Safety
Fire Marshal Division

Proposed Rules Governing Minimum Safety Standards for Transportation of Natural and Other Gas by Pipeline

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. § 15.0412, subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The department's authority to adopt the proposed rules is contained in Minn. Stat. §§ 299F.56 through 299F.64. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for

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review as to form and legality ,including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes § 15.0412, subdivision 7.

John P. Sopsic
Commissioner of Public Safety

Rules as Proposed (all new material)

11 MCAR § 1.5201 Purpose. The purpose of 11 MCAR §§ 1.5201-1.5210 is to prescribe reporting requirements for gas leaks and to prescribe minimum safety standards for pipeline facilities and the transportation of gas. These requirements and standards are required for state certification by the Natural Gas Pipeline Safety Act of 1968 as provided in United States Code, title 49, section 1674 (a) (1976 and Supplement III 1979).

11 MCAR § 1.5202 Scope. The requirements and standards in 11 MCAR §§ 1.5204-1.5210 apply to the design, installation, inspection, testing, construction, operation, extension, replacement, and maintenance of pipeline facilities. The scope of 11 MCAR §§ 1.5201-1.5210 is intended to be consistent with Minn. Stat. §§ 299F.56-299F.64.

11 MCAR § 1.5203 Definitions.

A. Applicability. As used in 11 MCAR §§ 1.5201-1.5210 the following terms and phrases have the meanings given them.

B. Secretary. "Secretary" means the Commissioner of Public Safety.

C. State agency. "State agency" means the Department of Public Safety, State Fire Marshal Division.

D. State. "State" means the state of Minnesota.

11 MCAR § 1.5204 Federal regulations adopted by reference. Reporting requirements for gas leaks and standards for gas and pipeline safety as provided in Code of Federal Regulations, title 49, parts 191 and 192 (1980) are incorporated by reference and made part of Minnesota rules subject to the amendments in 11 MCAR §§ 1.5205-1.5210.

11 MCAR § 1.5205 Code of Federal Regulations, title 49, section 191.5. Code of Federal Regulations, title 49, section 191.5 is amended by adding a clause to read:

§ 191.5 Telephonic notice of certain leaks.

(c) Each notice required by paragraph (a) of this section must also be telephoned to the State Fire Marshal, (612) 296-7641, and must include the information requried by paragraph (b) of this section.

11 MCAR § 1.5206 Code of Federal Regulations, title 49, section 191.7. Code of Federal Regulations, title 49, section 191.7 is amended to read:

§ 191.7 Addressee for written reports.

Each written report required by this part must be made to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. One copy of each written report required by this part must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104.

11 MCAR § 1.5207 Code of Federal Regulations, title 49, section 191.9. Code of Federal Regulations, title 49, section 191.9 is amended by adding a clause to read:

§ 191.9 Distribution system: Leak report.

(c) Each operator of a distribution system serving 100,000 customers or fewer will comply with the leak reporting requirements of this paragraph by submitting one copy of each report to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104.

11 MCAR § 1.5208 Code of Federal Regulations, title 49, section 191.11 (a). Code of Federal Regulations, title 49, section 191.11 (a) is amended to read:

§ 191.11 Distribution system: Annual report.

(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual report on Department of Transportation Form DOT-F-7100.1-1. This report must be submitted not later than February 15 for the preceding calendar year. One copy of the report must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104, not later than February 15 for the preceding calendar year.

11 MCAR § 1.5209 Code of Federal Regulations, title 49, section 191.17. Code of Federal Regulations, title 49, section 191.17 is amended to read:

§ 191.17 Transmission and gathering systems: Annual report.

Each operator of a transmission system or a gathering system shall submit to the Department of Transportation an annual report on Department of Transportation Form DOT-F-7100.2-1 not later than February 15, for the preceding calendar year. One copy of the report must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104, not later than February 15 for the preceding calendar year.

11 MCAR § 1.5210 Code of Federal Regulations, title 49, section 192.17. Code of Federal Regulations, title 49, section 192.17 is deleted and replaced with the following:

§ 192.17 Filing of inspection and maintenance plans.

Each operator shall file with the State Fire Marshll a plan for inspection and maintenance of each pipeline facility he owns or operates. A change in an inspection and maintenance plan must be filed within 20 days after the change is made. Plans must be sent to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104.

Repealer. Rules of the Department of Public Safety, Fire Marshal Division, Fire Mar 1-5 are repealed.

Department of Transportation
Public Transportation/Planning Division

Proposed Rules Relating to the Implementation of the State Rail Bank Program

Notice of intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Transportation (Mn/DOT) intends to adopt, without a public hearing, rules that are to be permanent and that pertain to the implementation of the State Rail Bank Program. The Department of Transportation has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

The proposed rules are authorized by Minn. Stat. § 222.63, subd. 7. The proposed rules, if adopted, would:

1. Establish criteria for property eligible for inclusion in the program, and
2. Establish public participation procedures for the acquisition, utilization and disposition of banked property.

The Department of Transportation has prepared a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and identifies that data and information relied upon by Mn/DOT to support the rule. Copies of the statement of need and reasonableness and of the proposed rule are available and may be obtained by contacting:

Mr. G. W. Boldt
Director
Office of Railroad Administration
Division of Public Transportation/Planning
Minnesota Department of Transportation
St. Paul, Minnesota 55155
(Telephone: 612-296-2452)

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STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Minimum Safety Standards for Transportation of Natural and Other Gas by Pipeline.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on April 12, 1982, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 15.0412, subdivision 4 on April 8, 1982.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, having received fewer than seven requests for a public hearing within the 30 day comment period, and having reviewed and considered the comments, I find the following:

FINDINGS OF FACT

1. The authority of the Department of Public Safety to promulgate these rules is contained in Minn. Stat. Section 299F.56 through 299F.64.

2. The Statement of Need and Reasonableness for these rules sets forth the need for and reasonableness of the rules to be adopted, and is incorporated into these findings and becomes a part hereof as though fully set forth herein.

3. During the 30 day public comment period, no requests for public hearing were received.

4. During the 30 day public comment period, no public comments were received and there were no request for notification of submission of the rules to the Attorney General.

CONCLUSIONS

1. The Commissioner of Public Safety gave due, timely and adequate legal notice of his intent to adopt rules without a public hearing.

2. The Commissioner of Public Safety has statutory authority to promulgate the proposed rules.

3. The Commissioner of Public Safety has fulfilled all relevant, substantive and procedural requirements of law and rule.

4. The Commissioner of Public Safety has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts.

5. The rules as originally proposed are adopted without any changes.

STATE OF MINNESOTA

5-13-82
DATE

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Minimum Safety Standards for Transportation of of Natural and Other Gas by Pipeline.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the State Department of Public Safety. The last time the above captioned rules were amended was August 1, 1974.

The need to adopt these rules arises because of changes in federal regulations which has resulted in Minnesota being in non-compliance with federal requirements. The Natural Gas Pipeline Safety Act of 1968 as amended by Title I of the Pipeline Safety Act of 1979 allows individual states to enter into partnership with the federal government in natural gas pipeline safety. State participation in the gas pipeline safety program is based on submission of a certification pursuant to a show of compliance with the federal regulations. To be in compliance it is required that each federal safety standard applicable to intrastate pipelines be adopted and enforced in Minnesota and that equivalent authorities exist in Minnesota as provided in certain sections of the federal act. These rules adopt the federal regulations by reference and make amendments to those sections in order to be able to effectively administer and enforce it at the state level. The amendments adopt state administrative and enforcement authorities, as provided for in the applicable federal regulation sections.

These rules are needed in order to be able to continue the pipeline safety program in Minnesota. Failure to adopt the current federal regulations would result in Minnesota losing its certification. The result would be that all natural gas pipeline facilities in Minnesota would still be subject to compliance with the federal regulations but they would be under administrative control of and be enforced by the federal government. This is not in the best interest of Minnesota or local gas utilities. State regulation and enforcement provides for a closer observation of utilities, ensures better and quicker compliance, and generally provides for increased safety.

11 MCAR1.5201, 1.5202 AND 1.5203 are the introductory sections of the rules, describing the purpose, scope and applicable definitions. 11MCAR1.5204 adopts the above-discussed federal regulations by reference. 11MCAR1.5205 - 1.5210 amend certain sections of the adopted federal code in order to specify the correct administrative and enforcement responsibilities. Each of these is discussed briefly below.

11 MCAR1.5205. This amendment adds a requirement for telephonic notice to the State Fire Marshal of certain leaks. This is now done under the current rules and represents no real change for affected utilities. This

fosters greater safety by providing the State Fire Marshal with immediate information on a potential hazard. Decisions relating to enforcement, response or other actions can be made more quickly with telephonic notice.

11 MCAR 1.5206. This section of the federal regulation requires copies of certain reports to be sent to the state agency having jurisdiction if the rules of that state agency so require. This amendment implements that provision by requiring that reports be sent to the State Fire Marhsal. This is necessary in order to be in compliance with the certification requirements; it is done by utilities under the current rules and represents no real change for them.

11 MCAR1.5207. This amendment adds a requirement for reporting of leaks by operators of small gas distribution systems. The federal regulation being amended addresses only distribution systems of over 100,000 customers. This amendment is needed to include systems with 100,000 customers or fewer. There are many of these operations in Minnesota and it would be a safety hazard for leaks to go unnoticed in these systems. This is a requirement under the current rules and represents no change in requirements.

11 MCAR1.5208 & 1.5209 These amendments add the requirement that distribution transmission and gathering systems submit a copy of their annual reports to the State Fire Marshal. This is necessary in order to completely administer and enforce pipeline safety requirements at the state level. This is currently being supplied to the State Fire Marshal under current requirements.

11 MCAR1.5210. This amendment requires that inspection and maintenance plans be filed with the State Fire Marshal. It implements the provision of the federal regulation it replaces, which requires inspection and maintenance plans to be filed with the federal DOT unless the state jurisdiction has a certification in effect and requires by its rules that the plan be sent to a state agency. This change is needed in order to be in compliance with certification requirements, and this is an amendment which is in the currently effective state rules.

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Minimum Safety Standards for Transportation of Natural and Other Gas by Pipeline.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General James Early, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

May 20, 1982
DATED

James B. Early
SPECIAL ASSISTANT ATTORNEY GENERAL