

CHAPTER 299J

OFFICE OF PIPELINE SAFETY

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299J.01 AUTHORITY OF OFFICE OF PIPELINE SAFETY.

The commissioner of public safety shall, to the extent authorized by agreement with the United States Secretary of Transportation, act as agent for the United States Secretary of Transportation to implement the federal Hazardous Liquid Pipeline Safety Act, United States Code, title 49, sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and federal pipeline safety regulations with respect to interstate pipelines located within this state. The commissioner shall, to the extent authorized by federal law, regulate pipelines in the state as authorized by sections 299J.01 to 299J.17 and 299F.56 to 299F.641.

History: 1989 c 244 s 18

299J.03 OFFICE OF PIPELINE SAFETY.

[For text of subd 1, see M.S.1988]

Subd. 2. **Qualifications.** (a) The director of the office must be knowledgeable in the operation and safety aspects of pipelines.

(b) Inspectors must have scientific or technical training or experience that demonstrates in-depth knowledge of pipeline engineering technology and pipeline safety.

(c) Inspectors shall complete courses at the transportation safety institute and be certified by the institute as soon as possible following appointment.

(d) Inspectors shall meet the qualifications established by the federal government in order for the state to participate in the pipeline safety grant programs under the federal Natural Gas Pipeline Safety Act and the federal Hazardous Liquid Pipeline Safety Act.

History: 1989 c 244 s 19

299J.04 DUTIES OF THE OFFICE OF PIPELINE SAFETY.

Subdivision 1. **General duties.** The commissioner shall:

(1) enforce sections 216D.01 to 216D.09, as provided in sections 216D.08 and 216D.09;

(2) maintain a data base of all pipeline emergency releases;

(3) inspect, as necessary, any record, map, or written procedure required by sections 299J.01 to 299J.17 to be kept by a pipeline operator concerning the reporting of emergency releases, and the design, construction, testing, or operation and maintenance of pipelines; and

(4) adopt rules to implement sections 299J.01 to 299J.17.

The rules adopted under clause (4) must treat separately and distinguish between hazardous liquid and gas pipelines and must be compatible with federal laws and regulations.

Subd. 2. **Delegated duties.** The commissioner shall seek and accept federal designation of the office's pipeline inspectors as federal agents for the purposes of enforcement of the federal Hazardous Liquid Pipeline Safety Act, United States Code, title 49,

sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and federal rules adopted to implement those acts. The commissioner shall establish and submit to the United States Secretary of Transportation an inspection program that complies with requirements for delegated interstate agent inspection authority. To the extent that federal delegation of interstate agent inspection authority permits, the inspection program for interstate pipelines must be the same as the inspection program for intrastate pipelines. If the United States Secretary of Transportation delegates inspection authority to the state as provided in this subdivision, the commissioner, at a minimum, shall do the following to carry out the delegated federal authority:

- (1) inspect pipelines periodically as specified in the inspection program;
- (2) collect inspection fees;
- (3) order and oversee the testing of pipelines as authorized by federal law and regulations; and
- (4) file reports with the United States Secretary of Transportation as required to maintain the delegated inspection authority.

Subd. 3. [Repealed by amendment, 1989 c 244 s 20]

Subd. 4. [Repealed by amendment, 1989 c 244 s 20]

History: 1989 c 244 s 20

299J.05 PIPELINE SETBACK ORDINANCE.

(a) The commissioner shall adopt, by December 31, 1990, a model ordinance under chapter 14 requiring a setback from pipelines in areas where residential or other development is allowed. The model ordinance must apply only to new development and not to development that has occurred, or for which development permits have been issued, before the effective date of the ordinance.

(b) By August 1, 1991, each statutory or home rule charter city, town, or county that has planning and zoning authority under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.365, and in which a pipeline is located, shall adopt a pipeline setback ordinance that meets or exceeds the minimum standards of the model ordinance and is approved by the commissioner. The model ordinance applies in a jurisdiction where the local governmental unit does not adopt a setback ordinance that is approved by the commissioner by August 1, 1991.

History: 1989 c 244 s 21

299J.06 PIPELINE SAFETY ADVISORY COUNCIL.

[For text of subd 1, see M.S.1988]

Subd. 2. **Powers and duties.** The council shall advise the commissioner, director, and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety and operation. The council shall advise the environmental quality board on implementation of sections 116I.015 and 116I.02, subdivisions 2 and 3, and the director and commissioner on the implementation of sections 216D.01 to 216D.07, 299F.56 to 299F.641, and 299J.01 to 299J.17, and shall review and comment on proposed rules and on the operation of the office of pipeline safety.

[For text of subds 3 and 4, see M.S.1988]

History: 1989 c 244 s 22

299J.08 COMMISSIONER TO REPORT RELEASE; ADVICE AND COORDINATION.

Upon receiving notice of an emergency release, the commissioner or a designee shall immediately report the emergency release to the emergency responder of the appropriate local governmental unit, to the pollution control agency if the notice of the

release is required by section 115.061, and to any other person or office, as provided by the rules or procedures of the office of pipeline safety. A pipeline operator's report of an emergency release to the commissioner satisfies the notification requirements of section 115.061. The commissioner shall advise the emergency responder concerning appropriate emergency procedures and coordinate the procedures. The commissioner shall also coordinate responses to pipeline accidents with the federal government according to procedures established by the United States Secretary of Transportation.

History: 1989 c 244 s 23

299J.09 [Repealed, 1989 c 244 s 28]

299J.10 LOCAL GOVERNMENT EMERGENCY OPERATIONS PLAN.

(a) A county or statutory or home rule charter city having a pipeline within its jurisdiction shall prepare an emergency operations plan and supporting documents that will include appropriate pipeline safety information. The format and content of the plan and supporting documents must be in agreement with the guidance and prototype planning documents provided by the department of public safety, division of emergency management. The county or statutory or home rule charter city must consult with the pipeline owner or operator when preparing the plan.

(b) A county or statutory or home rule charter city shall review and update its plan and supporting documents annually to reflect changes in its operations, in the operation of the pipeline, or other matters relating to public safety. The annual review, update, and approval of the plan and supporting documents must be in accord with the guidance provided by the department of public safety, division of emergency management. The director may at any reasonable time examine an emergency operations plan required by this section.

History: 1989 c 244 s 24

299J.11 ADOPTION OF FEDERAL PIPELINE INSPECTION RULES.

To enable the state to act as an agent of the United States Secretary of Transportation and to qualify for annual federal certification to enforce the federal pipeline inspection program authorized by the Hazardous Liquid Pipeline Safety Act, United States Code, title 49, sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and the rules implementing those acts, the federal pipeline inspection rules and safety standards, and regulations and standards that may be adopted that amend them, are adopted.

History: 1989 c 244 s 25

299J.12 INTERSTATE PIPELINE INSPECTION FEE.

Subdivision 1. Assessment and deposit of fee. For each quarter following the delegation to the state of the inspection authority described in section 299J.04, the commissioner shall assess and collect from every interstate pipeline operator an inspection fee in an amount calculated under subdivisions 2 and 3. If an operator does not pay the fee within 60 days after the assessment was mailed, the commissioner may impose a delinquency fee of ten percent of the quarterly inspection fee and interest at the rate of 15 percent per year on the portion of the fee not paid. Fees collected by the commissioner under this section must be deposited in the pipeline safety account.

Subd. 2. Inspection fee. For interstate pipelines subject to the inspection authority granted under sections 299J.01 to 299J.11, the expenses attributable to the inspection of each pipeline facility must be directly charged to the appropriate pipeline operators on a quarterly basis. The expenses must not include expenses that will be reimbursed by the federal government.

Subd. 3. Support costs. The commissioner shall calculate the amount of the general support costs of the office of pipeline safety for the preceding quarter that is proportionate to the amount of time spent by the office in implementing sections

299J.01 to 299J.18 and maintaining interstate agent status, including the costs incurred in seeking federal interstate agent status in the first quarter's calculations. The costs incurred in seeking federal interstate agent status must include the costs directly attributable to salaries, training, and other activities and costs related to obtaining interstate agent status, from the time that the request for interstate agent status is submitted by the commissioner to the United States Department of Transportation, to the time that approval of interstate agent status is granted. The calculated support cost must not include expenses that will be reimbursed by the federal government. Each interstate pipeline operator must be assessed on a quarterly basis a portion of the calculated support costs equal to the percentage of the total miles of pipeline operated by the pipeline operator in Minnesota.

History: 1989 c 244 s 26

299J.16 CIVIL PENALTY; INJUNCTIVE RELIEF.

Subdivision 1. **Civil penalty.** (a) A pipeline operator who violates section 299J.07, subdivision 1, or 299J.15, or the rules of the commissioner implementing those sections, shall forfeit and pay to the state a civil penalty in an amount to be determined by the court, up to \$10,000 for each day that the operator remains in violation, subject to a maximum of \$500,000 for a related series of violations.

(b) The penalty provided under this subdivision may be recovered by an action brought by the attorney general at the request of the commissioner, in the name of the state, in connection with an action to recover expenses of the director under section 299J.13, subdivision 4:

- (1) in the district court of Ramsey county; or
- (2) in the county of the defendant's residence.

Subd. 2. **Action to compel performance; injunctive relief.** A person who fails to perform an act required by section 299J.13 or 299J.15, or the rules of the commissioner implementing those sections, may be compelled to do so by an action in district court brought by the attorney general at the request of the commissioner, in the name of the state.

History: 1989 c 244 s 27