

The following regulations have been adopted and published in the Kansas Register. They will become effective on the final date listed in the history section that follows each regulation. Regulations become effective 15 days after publication in the Kansas Register unless a later effective date is given in the body of the regulation.

**State of Kansas**

**Corporation Commission**

**Permanent Administrative Regulations**

**Article 11.—NATURAL GAS PIPELINE SAFETY**

**82-11-2. Enforcement procedures.** Regulations adopted by the commission pursuant to the gas pipeline safety act, and amendments thereto, shall be investigated by the gas pipeline safety section of the commission. As necessary to ensure compliance with this article of the commission’s regulations, commission staff may bring before the commission a show cause proceeding or any other proceeding or action for consideration by the commission. (Authorized by and implementing K.S.A. 66-106 and 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended Dec. 10, 2021.)

**82-11-3. Transportation of natural and other gas by pipeline; annual reports and incident reports.** The federal regulations titled “transportation of natural and other gas by pipeline; annual reports, incident reports, and safety-related condition reports,” 49 C.F.R. Part 191, as in effect on October 1, 2018, are hereby adopted by reference except for the following changes:

(a) The following provisions shall be excluded from adoption:

(1) All portions that include jurisdiction beyond the state of Kansas, including off-shore pipelines, the outer continental shelf, and states other than Kansas;

(2) 49 C.F.R. 191.7;

(3) 49 C.F.R. 191.21; and

(4) all sections labeled “reserved.”

(b) The following revisions shall be made to 49 C.F.R. 191.3:

(1) The following sentence shall be deleted: “Administrator means the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.”

(2) The definition of “LNG facility” shall be deleted and replaced by the following: “means a pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas.”

(3) The definition of “Underground natural gas storage facility” shall be deleted and replaced by the following: “means an underground natural gas storage facility as defined in 49 C.F.R. 192.3 as adopted by K.A.R. 82-11-4.”

(c) The following revisions shall be made to 49 C.F.R. 191.5:

(1) 49 C.F.R. 191.5(b) shall be deleted and replaced by the following: “(b) Each notice required by paragraph (a) of this section shall be made by telephone to the gas pipeline safety section of the commission and to the U.S. department of transportation. Both notices shall include the following information:

“(1) The names of the operator and the person making

the 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; and

“(5) all other significant facts known by the operator that are relevant to the cause of the incident or extent of the damages.”

(2) The following text shall be added to 49 C.F.R. 191.5:

“(d) Each operator shall notify the gas pipeline safety section of the commission within one hour following confirmed discovery of any incident, as defined in 49 C.F.R. Part 191 as adopted by this regulation, within the operator’s certified areas or operating areas. If an incident occurs outside the commission’s working hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, or any other day on which the commission office is not open, the operator shall contact a designated employee of the gas pipeline safety section of the commission. Each operator shall have a copy of the list of designated employees provided by the Commission.”

(d) 49 C.F.R. 191.9(a) shall be deleted and replaced by the following: “(a) Except as provided in paragraph (c) of this section, each operator of a distribution pipeline system shall submit U.S. department of transportation form RSPA F 7100.1 to the gas pipeline safety section of the commission as soon as practicable but not more than 30 calendar days after detection of an incident required to be reported under 49 C.F.R. 191.5 as adopted by this regulation.”

(e) 49 C.F.R. 191.9(b) shall be deleted and replaced by the following: “(b) If additional relevant information is required after the report is submitted under paragraph (a), each operator shall submit to the commission a written report providing the additional information pertaining to the incident within 15 calendar days of the commission’s request.”

(f) 49 C.F.R. 191.11(a) shall be deleted and replaced by the following: “(a) Except as provided in paragraph (b) of this section, each operator of a distribution pipeline system shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.1-1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F 7100.1-1 to the U.S. department of transportation.”

(g) 49 C.F.R. 191.12 shall be deleted and replaced by the following: “As required by 49 C.F.R. 192.1009, as adopted by K.A.R. 82-11-4, each mechanical fitting failure shall be submitted on a Mechanical Fitting Failure Report Form PHMSA F-7100.1-2. An operator shall submit a mechanical fitting failure report for each mechanical fitting failure that occurs within a calendar year not later than March 1 of the following year. Alternatively, an operator

may elect to submit its reports throughout the year. An operator shall report this information to the commission and the Pipeline and Hazardous Materials Safety Administration by the March 1 reporting date. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F-7100.1-2 to the U.S. department of transportation."

(h) 49 C.F.R. 191.15(a) shall be deleted and replaced by the following: "(a) Except as provided in paragraph (c) of this section, each operator of a transmission or a gathering pipeline system shall submit U.S. department of transportation form PHMSA F 7100.2 to the commission as soon as practicable but not more than 30 calendar days after detection of an incident required to be reported under 49 C.F.R. 191.5 as adopted by this regulation."

(i) 49 C.F.R. 191.15 (d) shall be deleted and replaced by the following: "(d) If additional relevant information is required by the commission after the report is submitted under paragraph (a), (b) or (c), each operator shall submit to the commission a written report providing the additional information pertaining to the incident within 15 calendar days of the commission's request."

(j) 49 C.F.R. 191.17(a), (b), and (c) shall be deleted and replaced by the following:

"(a) Each operator of a transmission or gathering pipeline system shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.2.1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F 7100.2.1 to the U.S. department of transportation.

"(b) Each operator of a liquefied natural gas facility shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.3-1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form F 7100.3-1 to the U.S. department of transportation.

"(c) Each operator of an underground natural gas storage facility shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.4-1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F 7100.4-1 to the U.S. department of transportation."

(k) 49 C.F.R. 191.22(a) shall be deleted and replaced with the following: "(a) OPID request. Effective January 1, 2012, each operator of a gas pipeline, gas pipeline facility, underground natural gas storage facility, LNG plant or LNG facility must obtain from PHMSA an Operator

Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has a primary responsibility."

(l) 49 C.F.R. 191.25(a) shall be deleted and replaced with the following: "(a) Each report of a safety-related condition under 49 C.F.R. 191.23, as adopted by K.A.R. 82-11-3, must be filed (received by the gas pipeline safety section of the commission) five business days after the day a representative of the operator first determines that the condition exists, but not later than 10 business days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related. Reports may be transmitted by electronic mail to: kccpipelinesafety@kcc.ks.gov." (Authorized by and implementing K.S.A. 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended April 16, 1990; amended March 12, 1999; amended July 7, 2003; amended Jan. 25, 2008; amended Dec. 10, 2021.)

**82-11-4. Transportation of natural and other gas by pipeline; minimum safety standards.** The federal regulations titled "transportation of natural and other gas by pipeline: minimum federal safety standards," 49 C.F.R. Part 192, including appendices B, C, D, and E, as in effect on October 1, 2018, are hereby adopted by reference with the following changes:

(a) The following provisions shall be excluded from adoption:

- (1) 49 C.F.R. 192.7(a);
- (2) 49 C.F.R. 192.57;
- (3) 49 C.F.R. 192.61;
- (4) 49 C.F.R. 192.117 through 192.119;
- (5) 49 C.F.R. 192.455(b);
- (6) 49 C.F.R. 192.491(b);
- (7) 49 C.F.R. 192.607;
- (8) appendix A;
- (9) portions that include jurisdictions beyond the state of Kansas;

- (10) portions that apply to off-shore pipelines;
- (11) portions that apply to the outer continental shelf;
- (12) portions that apply to states other than Kansas; and
- (13) all sections labeled "reserved."

(b) The following provisions shall be modified:

(1) The following definitions in 49 C.F.R. 192.3 shall be modified:

(A) The word "administrator" shall be deleted and replaced with "commission."

(B) The word "municipality" shall mean a city, county, or any other political subdivision of the state of Kansas.

(C) The word "state" shall mean the state of Kansas.

(2) In 49 C.F.R. 192.12(f), "PHMSA" shall be deleted and replaced by "gas pipeline safety section of the commission."

(3) In 49 C.F.R. 192.14(c), "PHMSA" shall be deleted and replaced by "gas pipeline safety section of the commission."

(4) In 49 C.F.R. 192.112(h), the phrase "each PHMSA pipeline safety regional office" shall be deleted and replaced by "gas pipeline safety section of the commission."

(5) 49 C.F.R. 192.181(a) shall be deleted and replaced by the following: "(a) Each high-pressure distribution sys-

tem shall have valves spaced to reduce the time to shut down a section of main in an emergency. Each operator shall specify in its operation and maintenance manual the criteria as to how valve locations are determined using, as a minimum, the considerations of operating pressure, the size of the mains, and the local physical conditions. The emergency manual shall include instructions on where operating personnel can find maps and other means of locating emergency valves during an emergency. Each area of residential development constructed after May 1, 1989, shall be provided with at least one valve to isolate it from other areas."

(6) 49 C.F.R. 192.199(e) shall be deleted and replaced by the following: "(e) Have discharge stacks, vents, or outlet ports designed to prevent accumulation of water, ice, or snow, located where gas can be discharged into the atmosphere without undue hazard. At town border stations and district regulator settings, the gas shall be discharged upward at a minimum height of six feet from the ground or past the overhang of any adjacent building, whichever is greater."

(7) 49 C.F.R. 192.199(h) shall be deleted and replaced by the following: "(h) Except for a valve that will isolate the system under protection from its source of pressure, shall be designed to prevent unauthorized access to or operation of any stop valve that will make the pressure-relief valve or pressure-limiting device inoperative including:

"(1) valves that would bypass the pressure regulator or relief devices; and

"(2) shut-off valves in regulator control lines that, if operated, would cause the regulator to be inoperative."

(8) The following shall be added to 49 C.F.R. 192.199: "(i) At town border stations and district regulator settings, this section shall require pressure-relief or pressure-limiting devices regardless of installation date."

(9) 49 C.F.R. 192.307 shall be deleted and replaced by the following: "Inspection of materials. Each length of pipe and each other component shall be visually inspected at the site of installation to ensure that it has not sustained any visually determinable damage that could impair its serviceability. Except for short sections of pipe with external coating applied after installation, each coated length of pipe shall be checked for defects in the coating using an instrument that is calibrated according to manufacturer's specifications prior to lowering the pipe into the ditch."

(10) The following subsection shall be added to 49 C.F.R. 192.317: "(d) Each existing aboveground pipeline shall be placed underground, with the following exceptions:

"(1) Regulator station piping;

"(2) bridge crossings;

"(3) aerial crossings or spans;

"(4) short segments of piping for valves intentionally brought above the ground, including risers, piping at compressor, processing or treating facilities, block gate settings, sectionalizing valves and district regulator sites;

"(5) distribution mains specifically designed to be above the ground and have the approval of the landowner to provide service to commercial customers from the aboveground main and associated service line or lines; or

"(6) pipelines in class 1 locations that were in natural

gas service before May 1, 1989."

(11) The following shall be added to 49 C.F.R. 192.317: "(e) Each pipeline constructed after May 1, 1989, shall be placed underground, with the following exceptions:

"(1) Regulator station piping;

"(2) bridge crossings;

"(3) aerial crossings or spans;

"(4) short segments of piping for valves intentionally brought above ground, including risers, piping at compressor, processing or treating facilities, block gate settings, sectionalizing valves and district regulator sites; or

"(5) distribution mains specifically designed to be above ground and have the approval of the landowner to provide service to commercial customers from the aboveground main and associated service line or lines."

(12) 49 C.F.R. 192.453 shall be deleted and replaced by the following: "(a) The corrosion control procedures required by 49 C.F.R. 192.605(b)(2), including those for the design, installation, operation, and maintenance of cathodic protection systems, shall be carried out by, or under the direction of, a person qualified in pipeline corrosion control methods.

"(b) Any unprotected steel service or yard line found to have active corrosion shall be either provided with cathodic protection and monitored annually as required by this regulation or replaced. In areas where there is no active corrosion, each operator shall, at intervals not exceeding three years, reevaluate these pipelines.

"(c) In lieu of conducting electrical surveys on unprotected steel service lines and yard lines, each operator may implement one of the following options:

"(1) Conduct annual leakage surveys at intervals not exceeding 15 months, but at least once each calendar year, on all unprotected steel service lines and yard lines and initiate a program to apply cathodic protection for all unprotected steel service lines and yard lines; or

"(2) conduct annual leakage surveys at intervals not exceeding 15 months, but at least once each calendar year, on all unprotected steel service lines and yard lines and initiate a preventative maintenance program for replacement of service and yard lines. The preventative maintenance program to be used in conjunction with the annual leak survey of unprotected steel service and yard lines shall include the following:

"(A) After the annual leakage survey of all unprotected steel service and yard lines is completed, the operator shall prepare a summary listing of the leak survey results.

"(B) The summary listing shall include the number of leaks found and the number of lines replaced in a defined area.

"(C) An operator's replacement program for all service or yard lines in the defined area shall be initiated no later than when the sum of the number of unprotected steel service or yard lines with existing or repaired corrosion leaks and the number of unprotected steel service or yard lines already replaced due to corrosion equals 25% or more of the unprotected steel service or yard lines installed within that defined area.

"(D) The replacement program, once initiated for a defined area, shall be completed by an operator within 18 months.

"(E) Operators, at their option, may have separate pre-

ventative maintenance programs for service lines and yard lines but shall consistently follow their selection.

“(d) For a city of the third class, or a city having a population of 2,000 or less, which is an operator of a natural gas distribution system, a replacement program for unprotected steel yard lines may comply with paragraph (c)(2)(D) of this section or include the following requirements in their replacement plan:

“(1) Perform leakage surveys at six-month intervals;

“(2) Notify all customers in the defined area with a written recommendation that all unprotected steel yard lines should be scheduled for replacement; and

“(3) Replace all unprotected steel yard lines in the defined area that exhibit active corrosion.”

(13) 49 C.F.R. 192.455(a) shall be deleted and replaced by the following: “(a) Except as provided in paragraphs (c) and (f) of this section, each buried, submerged pipeline, or exposed pipeline, installed after July 31, 1971, shall be protected against external corrosion by various methods, including the following:

“(1) An external protective coating meeting the requirements of 49 C.F.R. 192.461; and

“(2) A cathodic protection system designed to protect the pipeline in accordance with this subpart, installed and placed in operation within one year after completion of construction.”

(14) 49 C.F.R. 192.457(b) shall be deleted and replaced by the following: “(b) Except for cast iron or ductile iron pipelines, each of the following buried, exposed or submerged pipelines installed before August 1, 1971, shall be cathodically protected in accordance with this subpart in areas in which active corrosion is found:

“(1) Bare or ineffectively coated transmission lines;

“(2) bare or coated pipes at compressor, regulator, and measuring stations; and

“(3) bare or coated distribution lines.”

(15) 49 C.F.R. 192.465(a) shall be deleted and replaced by the following: “Each pipeline that is under cathodic protection shall be tested at least once each calendar year, but in intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of 49 C.F.R. 192.463. If tests at those intervals are impractical for separately protected short sections of mains or transmission lines not in excess of 100 feet, or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least one-third of the separately protected short sections, distributed over the entire system, shall be surveyed each calendar year, with a different one-third checked each subsequent year, so that the entire system is tested in each three-year period.”

(16) 49 C.F.R. 192.465(d) shall be deleted and replaced by the following: “(d) Each operator shall begin corrective measures within 30 days, or more promptly if necessary as determined by the operator, on any deficiencies indicated by the monitoring.”

(17) 49 C.F.R. 192.465(e) shall be deleted and replaced by the following: “(e) After the initial evaluation required by this regulation, each operator shall, at least every three calendar years at intervals not exceeding 39 months, reevaluate its unprotected pipelines and cathodically protect them in accordance with this subpart in areas in which active corrosion is found. The operator

shall determine the areas of active corrosion by electrical survey, where practical.”

(18) The following shall be added to 49 C.F.R. 192.465:

“(f) Electrical surveys shall be conducted in all areas, except the following:

“(1) Where the pipe lies under wall-to-wall pavement;

“(2) where the pipe is in a common trench with other utilities;

“(3) in areas with stray current; or

“(4) in areas where the pipeline is under pavement, regardless of depth, and more than two feet away from an unpaved area.

“(g) Where an electrical survey is excepted as listed in paragraph (f) of this section, the operator shall conduct leakage surveys using leak detection equipment in accordance with this regulation and evaluate for areas of active corrosion. The evaluation for active corrosion shall include review and analysis of leak repair records, corrosion monitoring records, exposed pipe inspection records, and the analysis of the pipeline environment.

“(h) For unprotected steel transmission lines and mains, a repair/replacement program shall be established based upon the number of leaks in a defined area.”

(19) 49 C.F.R. 192.491(a) shall be deleted and replaced by the following: “(a) For as long as the pipeline remains in service, each operator shall maintain records and maps to show the locations of all cathodically protected piping, cathodic protection facilities other than unrecorded galvanic anodes installed before August 1, 1971, and neighboring structures bonded to the cathodic protection system.”

(20) 49 C.F.R. 192.509(b) shall be deleted and replaced by the following: “(b) Each steel main that is to be operated at less than 1 p.s.i. gage shall be tested to at least 10 p.s.i. gage and each main to be operated at or above 1 p.s.i. gage shall be tested to at least 100 p.s.i. gage.”

(21) The following shall be added to 49 C.F.R. 192.517(a): “(8) Test date. (9) Description of facilities being tested.”

(22) 49 C.F.R. 192.517(b) shall be deleted and replaced by the following: “(b) For any pipeline installed after May 1, 1989, each operator shall make, and retain for the useful life of the pipeline, a record of each test performed under §§ 192.509 as modified by this regulation, 192.511 and 192.513.”

(23) 49 C.F.R. 192.553(a)(1) shall be deleted and replaced by the following: “(1) At the end of each incremental increase, the pressure shall be held constant while the entire segment of pipeline that is affected is checked for leaks. This leak survey by flame ionization shall be conducted within eight hours after the stabilization of each incremental pressure increase provided in the uprating procedure. If the operator elects to not conduct the leak survey within the specified time frame because of night-fall or other circumstance, the pressure increment in the line shall be reduced that day with repetition of that particular increment during the next day that the uprating procedure is continued.”

(24) 49 C.F.R. 192.603(b) shall be deleted and replaced by the following: “(b) Each operator shall establish a written operating and maintenance plan meeting the requirements of this part and keep records necessary to administer the plan. This plan and future revisions shall be submitted to the gas pipeline safety section of the commission.”

(25) 49 C.F.R. 192.603(c) shall be deleted and replaced by the following: “(c) The PHMSA designee or the commission, with respect to pipeline facilities governed by an operator’s plans and procedures may, after notice and opportunity for hearing as provided in 49 C.F.R. 190.206 for actions brought by the PHMSA designee or K.A.R. 82-11-6, K.A.R. 82-1-230, and K.A.R. 82-1-232(b) for actions brought by the commission, require an operator to amend its plans and procedures as necessary to provide a reasonable level of safety.”

(26) The following shall be added to 49 C.F.R. 192.603:

“(d) Each operator shall have regulator and relief valve test, maintenance and capacity calculation records in its possession whether the town border station is owned by the operator or by a wholesale supplier, if the supplier’s relief valve capacity is utilized to provide protection for the operator’s system.

“(e) Each operator shall be responsible for ensuring that all work completed by its consultants and contractors complies with this part.”

(27) The following shall be added to 49 C.F.R. 192.605(b):

“(13) Classifying underground leaks according to this regulation.

“(14) Performing leakage surveys of underground pipelines.

“(15) Identifying conditions which will require patrols of a distribution system at intervals shorter than the maximum intervals listed in this regulation.”

(28) In 49 C.F.R. 192.616(h), “PHMSA” shall be deleted and replaced by “gas pipeline safety section of the commission.”

(29) 49 C.F.R. 192.617 shall be deleted and replaced by the following: “Investigation of failures. (a) Each operator shall establish procedures for analyzing accidents and failures, including:

“(1) The maintenance of records that contain information for each pipeline failure, including the type of pipe and the reason for failure.

“(2) The selection of samples of the failed facility or equipment for laboratory examination, where appropriate, for the purpose of determining the causes of the failure and minimizing the possibility of recurrence.

“(b) Each operator shall investigate each accident and failure.”

(30) The following changes shall be made to 49 C.F.R. 192.620:

(A) The first sentence of 49 C.F.R. 192.620(a), (b), (c), (d), and (e) shall be deleted.

(B) All references to “PHMSA” shall be deleted and replaced by “gas pipeline safety section of the commission.”

(C) Each instance of the phrase “each PHMSA pipeline safety regional office” shall be deleted and replaced by “gas pipeline safety section of the commission.”

(31) 49 C.F.R. 192.625(f) shall be deleted and replaced by the following:

“(f) Each operator shall ensure the proper concentration of odorant and shall maintain records of these samplings for at least two years in accordance with this section. Proper concentration of odorant shall be ensured by conducting periodic sampling of combustible gases as follows:

“(1) Conduct monthly odorometer sampling of combustible gases at selected points in the system; and

“(2) Conduct sniff tests during each service call where access to a source of gas in the ambient air is readily available.

“(g) Operators of master meter systems may comply with this requirement by the following:

“(1) Receiving written verification from their gas source that the gas has the proper concentration of odorant; and

“(2) Conducting periodic sniff tests at the extremities of the system to confirm that the gas contains odorant.”

(32) 49 C.F.R. 192.703 shall be deleted and replaced by the following: “General. (a) No person shall operate a segment of pipeline unless it is maintained in accordance with this subpart.

“(b) Odorometers and leak detection equipment shall be calibrated according to manufacturer’s specifications. Leak detection equipment shall be tested monthly with a calibration gas of known hydrocarbon concentration, except that if equipment is not used, then testing with calibration gas shall be performed prior to the next use.

“(c) Each segment of pipeline that becomes unsafe shall be replaced, repaired or removed from service within five days of the operator being notified of the existence of the unsafe condition. Minimum requirements for response to each class of leak are as follows:

“(1) A class 1 leak requires immediate repair or continuous action until the conditions are no longer hazardous.

“(2) A class 2 leak shall be repaired within six months after detection. When the ground is frozen, a class 2 leak shall be monitored weekly to ensure that the leak will not represent a probable hazard and that it reasonably can be expected to remain nonhazardous.

“(3) A class 3 leak shall be rechecked at least every six months and repaired or replaced within 30 months.

“(d) Each operator shall inspect and classify all reports of gas leaks within two hours of notification.

“(e) Each underground leak shall be classified using the operator’s underground leak classification procedure as follows:

“(1) A class 1 leak means a leak that represents an existing or probable hazard to persons or property, and requires immediate repair or continuous action until the conditions are no longer hazardous. This class of leak may include the following conditions:

“(A) Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard;

“(B) any leak in which escaping gas has ignited;

“(C) any indication that gas has migrated into or under a building, or into a tunnel;

“(D) any percentage reading gas in air at the outside wall of a building, or where gas would likely migrate to an outside wall of a building;

“(E) any reading of 4% gas in air, or greater, in a confined space;

“(F) any reading of 4% gas in air, or greater, in a small substructure from which gas would likely migrate to the outside wall of a building; or

“(G) any leak that can be seen, heard, or felt, and which is in a location that may endanger the general public or property.

“(2) A class 2 leak means a leak that is nonhazardous at

the time of detection, but justifies scheduled repair based on probable future hazard. This class of leak may include the following conditions:

“(A) any reading of 2% gas in air, or greater, under a sidewalk in a wall-to-wall paved area that does not qualify as a class 1 leak;

“(B) any reading of 5% gas in air, or greater, under a street in a wall-to-wall paved area that has significant gas migration and does not qualify as a class 1 leak;

“(C) any reading less than 4% gas in air in a small substructure from which gas would likely migrate creating a probable future hazard;

“(D) any reading between 1% gas in air and 4% gas in air in a confined space;

“(E) any reading on a pipeline operating at 30% SMYS, or greater, in a class 3 or 4 location, which does not qualify as a class 1 leak;

“(F) any reading of 4% gas in air, or greater, in a gas-associated substructure; or

“(G) any leak which, in the judgment of operating personnel at the scene, is of significant magnitude to justify scheduled repair.

“(3) A class 3 leak means a leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous. This class of leak may include the following conditions:

“(A) any reading of less than 4% gas in air in a small gas-associated substructure; or

“(B) any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building; or

“(C) any reading of less than 1% gas in air in a confined space.”

(33) 49 C.F.R. 192.721 shall be deleted and replaced by the following three paragraphs: “(a) The frequency with which pipeline facilities are patrolled shall be determined by the severity of the conditions which could cause failure or leakage, and the consequent hazards to public safety.

“(b) Intervals between patrols shall not be longer than those prescribed in the following table:

Maximum Intervals Between Patrols

Location of Line	Mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage	Mains at all other locations
Inside Business Districts	4 ½ months, but at least four times each calendar year	7 ½ months, but at least twice each calendar year
Outside Business Districts	7 ½ months, but at least twice each calendar year	18 months, but at least once each calendar year

“(c) Service lines and yard lines shall be patrolled at least once every three calendar years at intervals not exceeding 42 months.”

(34) 49 C.F.R. 192.723 shall be deleted and replaced by the following:

“Distribution systems: leak surveys and procedures.

“(a) Each operator of a distribution system shall conduct periodic leakage surveys using leak detection equipment in accordance with this section. The leak detection

equipment used for this survey shall utilize a continuously sampling technology.

“(b) The type and scope of the leakage control program shall be determined by the nature of the operations and the local conditions. A leakage survey using leak detection equipment shall be conducted on all distribution mains and shall meet the following minimum requirements:

“(1) In business districts, a leakage survey shall include tests of the atmosphere in gas, electric, telephone, sewer and water system manholes, at cracks in pavement and sidewalks, and at other locations providing an opportunity for finding gas leaks. This survey shall be conducted at intervals on the distribution mains within the business district as frequently as necessary as determined by the operator with the maximum interval between surveys not exceeding 15 months, but at least once each calendar year.

“(2) A leakage survey with leak detection equipment shall be conducted on the distribution mains outside the business areas. The survey shall be made as frequently as necessary, but it shall meet the following minimum requirements:

“i. Cathodically unprotected steel mains and ductile iron mains located in class 2, 3, and 4 areas shall be surveyed at least once each calendar year at intervals not exceeding 15 months.

“ii. Cathodically unprotected steel mains and ductile iron mains located in class 1 areas, cathodically protected bare steel mains, cast iron mains, and mains constructed of PVC plastic shall be surveyed at least once every three calendar years at intervals not exceeding 39 months.

“iii. Cathodically protected externally coated steel mains and mains constructed of polyethylene plastic shall be surveyed at least once every five calendar years at intervals not exceeding 63 months.

“(c) Except for the service lines and yard lines described in paragraph (d) of this section, a leakage survey using leak detection equipment shall be conducted for all service lines and yard lines as follows:

“(1) In business districts, this survey shall be conducted as frequently as necessary, as determined by the operator, with the maximum interval between surveys not exceeding 15 months, but at least once each calendar year.

“(2) Outside business districts, the survey shall be made as frequently as necessary, as determined by the operator, but it shall meet the following minimum requirements:

“i. Cathodically unprotected steel service or yard lines and service or yard lines constructed of PVC plastic, cast iron, or copper shall be surveyed at least once each calendar year at intervals not exceeding 15 months.

“ii. Cathodically protected bare steel service or yard lines shall be surveyed at least once every three years at intervals not exceeding 39 months.

“iii. Cathodically protected externally coated steel service or yard lines and service or yard lines constructed of polyethylene plastic shall be surveyed at least once every five calendar years at intervals not exceeding 63 months.

“(d) For yard lines more than 300 feet in length and operating at a pressure less than 10 p.s.i. gage, only the portion within 300 feet of a habitable dwelling shall be

leak surveyed in accordance with these regulations.

“(e) Each operator’s operations and maintenance manual shall state that company-designated employees are to be trained in and conduct vegetation leak surveys where vegetation is suitable to such analysis.

“(f) Each leakage survey record shall be kept for at least six years.”

(35) The following shall be added to 49 C.F.R. 192.755:

“(c) Each operator with cast iron piping shall institute all of the following for the purposes of evaluation and replacement of cast iron pipelines:

“(1) Each time a leak in the body of a cast iron pipe is discovered, collect a coupon from the joint of pipe that is leaking within five feet of the leak site.

“(2) Conduct laboratory analysis on all coupons to determine the percentage of graphitization. Using the following equation:

$$\text{Percent of Graphitization} = \frac{\text{(Maximum Depth of Graphitization)}}{\text{(Wall Thickness)}} \times 100$$

“(3) Replace at least one city block (approximately 500 feet) within 120 days of the operator’s discovery of a leak in cast iron pipe due to external corrosion or each time the laboratory analysis of a coupon shows graphitization equal to or greater than the following:

Diameter	Percent Graphitization
2.0 inch	25%
3.0 inch and 4.0 inch	60%
6.0 inch and 8.0 inch	75%
10.0 inch or greater	90%

“(4) Submit coupons for analysis within 30 days of collection. Retain all sampling records for the life of the facility, but not less than five years.

“(5) For each operator with cast iron piping that is 3 inches or less in nominal diameter, have a replacement program that will remove all cast iron piping with nominal diameter of 3 inches and smaller from natural gas service by January 1, 2013.”

(36) 49 C.F.R. 192.801(b)(3) shall be deleted and replaced by the following: “(3) Is performed as a requirement of this regulation; and.”

(37) 49 C.F.R. 192.805(i) shall be deleted and replaced by the following: “(i) Notify the commission if the operator significantly modifies the program after the commission has verified that it complies with this regulation. Notifications to the commission may be submitted by electronic mail to [kccpipelinesafety@kcc.ks.gov](mailto:kccpipelinesafety@kcc.ks.gov) or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604.”

(38) 49 C.F.R. 192.909(b) shall be deleted and replaced with the following: “*Notification.* An operator must notify the gas pipeline safety section of the commission in accordance with 49 C.F.R. 192.949 as adopted by this regulation, of any change to the program that may substantially affect the program’s implementation or may significantly modify the program or schedule for carrying out the program elements. Notifications to the commission may be submitted by electronic mail to [kccpipelinesafety@kcc.ks.gov](mailto:kccpipelinesafety@kcc.ks.gov) or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead

Road, Topeka, Kansas 66604.”

(39) 49 C.F.R. 192.911(m)(1) and (n)(1) shall be deleted and replaced with the following: “The gas pipeline safety section of the commission.”

(40) In 49 C.F.R. 192.913(b)(1)(vii), “OPS” shall be replaced with “gas pipeline safety section of the commission.”

(41) 49 C.F.R. 192.921(a)(4) shall be deleted and replaced with the following: “Other technology that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the gas pipeline safety section of the commission 180 days before conducting the assessment, in accordance with 49 C.F.R. 192.949 as adopted by this regulation. Notifications to the commission may be submitted by electronic mail to [kccpipelinesafety@kcc.ks.gov](mailto:kccpipelinesafety@kcc.ks.gov) or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604.”

(42) In 49 C.F.R. 192.933, all references to “PHMSA” shall be replaced with “gas pipeline safety section of the commission.”

(43) 49 C.F.R. 192.937(c)(4) shall be deleted and replaced with the following: “Other technology that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the gas pipeline safety section of the commission 180 days before conducting the assessment, in accordance with 49 C.F.R. 192.949 as adopted by this regulation. Notifications to the commission may be submitted by electronic mail to [kccpipelinesafety@kcc.ks.gov](mailto:kccpipelinesafety@kcc.ks.gov) or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604.”

(44) In 49 C.F.R. 192.943(a), “OPS” shall be replaced with “gas pipeline safety section of the commission.”

(45) 49 C.F.R. 192.947(i) shall be deleted and replaced with the following: “Verification that an operator has provided any documentation or notification required by this subpart to be provided to the gas pipeline safety section of the commission. Verifications to the commission may be submitted by electronic mail to [kccpipelinesafety@kcc.ks.gov](mailto:kccpipelinesafety@kcc.ks.gov) or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604.”

(46) 49 C.F.R. 192.949 shall be deleted and replaced with the following: “Notifications to the commission may be submitted by electronic mail to [kccpipelinesafety@kcc.ks.gov](mailto:kccpipelinesafety@kcc.ks.gov) or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604.”

(47) 49 C.F.R. 192.1013(b) shall be deleted and replaced with the following: “An operator must submit its proposal to the gas pipeline safety section of the commission. The commission may accept the proposal with or without conditions and limitations, on a showing that the operator’s proposal, which includes the adjusted interval, will provide an equal or greater overall level of safety.” (Authorized by and implementing K.S.A. 66-106 and 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended April 16, 1990;

amended March 12, 1999; amended July 7, 2003; amended Jan. 25, 2008; amended June 26, 2009; amended Aug. 5, 2011; amended Jan. 9, 2015; amended Dec. 10, 2021.)

**82-11-6. Procedures to ensure compliance with minimum safety standards.** The following procedures may be utilized by the commission to ensure compliance with the minimum safety standards of this article of the commission's regulations:

(a) Annual audit-inspection. Inspectors from the gas pipeline safety section of the commission may visit each operator annually, or as needed, to inspect the operator's operation and maintenance records and to perform field surveys and tests as required by this article of the commission's regulations. Audit-inspection evaluation forms shall be used to record information and test results obtained in each field inspection. The inspector shall record the observations, findings, and test results on an audit-inspection evaluation form. The inspector shall provide a copy of the audit-inspection evaluation form to the operator following the audit-inspection if the operator so requests. If the results of the audit-inspection indicate that the operator does not meet the requirements of this article of the commission's regulations, the gas pipeline safety section of the commission may issue a notice of probable violation as described in subsection (b).

(b) Issuance of notice of probable violation. If after an annual audit-inspection or any other audit, inspection, or review conducted by commission staff, the commission staff believes that an operator has violated any regulations adopted pursuant to K.S.A. 66-1,150 and amendments thereto, the minimum safety standards adopted by this article of the commission's regulations, or any regulation or commission order, commission staff may serve a notice of probable violation against the operator. Service of a notice of probable violation may be conducted by standard U.S. mail, certified mail, hand delivery, or, if the operator consents to electronic service, electronic mail.

(c) Notice. Each notice of probable violation issued pursuant to subsection (b) shall include the following:

(1) A statement of each provision of statute, regulation, or commission order that the operator is alleged to have violated;

(2) a statement of the evidence upon which the allegations are made; and

(3) the recommended civil penalty or remedial action.

(d) Response to notice of probable violation. Within 30 days of receipt of a notice of probable violation, the operator shall respond by U.S. mail or electronic mail. Hard-copy responses shall be sent by U.S. mail to the commission's Topeka headquarters, gas pipeline safety section. Responses by electronic mail shall be electronically mailed to the address listed on the notice of probable violation. An operator's response to a notice of probable violation shall be made in at least one of the following ways:

(1) Submit written explanations, a statement of general denial, or other materials contesting the allegations. The written explanations, statements of general denial, or other materials contesting the allegations shall be verified by a signed statement from an authorized representative of the operator. An operator may verify the written explanations, statements of general denial, or other materials

contesting the allegations with an electronic signature;

(2) submit a signed acknowledgment of commission staff's findings of violations or instances of noncompliance. An operator may verify its acknowledgment of commission staff's findings of violations or instances of noncompliance with an electronic signature from an authorized representative of the operator; or

(3) submit a signed proposal for the completion of any remedial action that addresses the commission staff's findings of violations or noncompliance. An operator may verify its proposal of remedial action with an electronic signature from an authorized representative of the operator.

(e) Follow-up inspection. If the inspection specified in subsection (a) reveals any instances of noncompliance or violations, the inspector shall return to the operator's premises within 90 calendar days of the date of the inspection, or as soon as is practicable, to perform a follow-up inspection. The inspector shall reinspect the operator's system and record any instances of noncompliance or violations. A follow-up audit-inspection evaluation form shall then be sent to the operator specifying any further action required by the operator.

(f) Amendment. Commission staff may amend a notice of probable violation at any time before the commission issues a civil penalty assessment. If an amendment includes any new material allegations of fact or proposes an increased civil penalty assessment or additional remedial action, the operator shall have 30 days from service of the amended notice of probable violation to respond in accordance with subsection (d).

(g) Meeting with commission staff. If the inspector determines during the follow-up inspection that the violations or instances of noncompliance have not been corrected, the operator may be requested to attend an informal meeting at the commission offices or by telephone to discuss the operator's violations or instances of noncompliance with the minimum safety standards of this article of the commission's regulations, regulations adopted pursuant to K.S.A. 66-1,150 and amendments thereto, or any applicable regulation or commission order.

(h) Default admissions. Unless good cause is shown or a consent agreement is executed by commission staff and the operator before the expiration of the 30-day time limit specified in subsection (d), the failure of an operator to timely respond to a notice of probable violation shall constitute an admission to all factual allegations made by commission staff and may be used against the operator in future proceedings.

(i) Consent agreement. Commission staff and an operator may agree to modify a proposed civil penalty assessment or remedial action by joint execution of a consent agreement. Modifications to a civil penalty assessment may include a reduction in the civil penalty assessment or nonmonetary remedial action in lieu of monetary penalties. The consent agreement shall become effective if the commission issues an order approving the consent agreement. Each consent agreement shall include the following:

(1) An admission by the operator of all jurisdictional facts;



(2) an express waiver of any further procedural steps and of the right to seek judicial review or otherwise challenge or contest the validity of the commission's order approving the consent agreement;

(3) an acknowledgment that the notice of probable violation may be used to construe the terms of the order approving the consent agreement; and

(4) a statement of the actions required of the operator and the date by which the actions shall be completed.

(j) Issuance of order. No sooner than 30 days after service of a notice of probable violation upon an operator, an order against an operator may be issued by the commission. The order may impose a monetary civil penalty or require the operator to undertake remedial action or impose any other obligation or combination thereof for violating the minimum safety standards as adopted by this article of the commission's regulations, regulations adopted pursuant to K.S.A. 66-1,150 and amendments thereto, or any regulation or commission order identified in the notice of probable violation.

(k) Time to remit payment for penalty assessment. If an operator does not request a hearing and the commission issues a penalty order, the operator shall remit payment for any civil penalty assessment imposed by the commission within 20 days of service of a penalty order imposing the civil penalty assessment.

(l) Orders and hearings. Each order issued pursuant to this article of the commission's regulations shall comply with K.A.R. 82-1-232. Any operator may request a hearing on an order issued pursuant to this article of the commission's regulations by filing a request for hearing with the commission within 15 days of service of the order. Each hearing shall be conducted in accordance the commission's rules of practice and procedure. Except for orders approving a consent agreement, each order issued by the commission pursuant to this article of the commission's regulations shall include information detailing how an operator may request a hearing. Failure to request a hearing within 15 days from service of an order shall be deemed an admission of the alleged violations or instances of noncompliance in the order.

(m) Show cause hearings. A show cause hearing may be held by the commission regarding violations or instances of noncompliance of regulations adopted pursuant to K.S.A. 66-1,150, and amendments thereto, or any regulation or commission order. If the commission issues a show cause order before or during the course of an investigation, the gas pipeline safety section of the commission shall not be required to issue a notice of probable violation before the commission issues an order regarding any actual or potential violations or instances of noncompliance.

(n) Waiver of procedures. The requirements of this regulation may be waived by the commission and an interim order issued pursuant to K.A.R. 82-1-232 if any violations or instances of noncompliance with the safety standards of this article of the commission's regulations present a probable danger to persons or property. (Authorized by and implementing K.S.A. 66-106 and 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended Dec. 10, 2021.)

**82-11-7. Reporting requirements.** (a) Small gas operators.

(1) Each small gas operator shall notify the gas pipeline safety section when the small gas operator has contracted with a consultant to perform a survey or inspection in order to comply with the minimum safety standards. Each small gas operator shall forward electronic or written notice indicating the probable month of the inspection or survey at the time the consultant is authorized to conduct the survey or inspection. In addition, each small gas operator shall forward electronic or written notice to the gas pipeline safety section at least 10 business days before the survey or inspection is to be conducted by the consultant. The form for each type of notification shall be available from the gas pipeline safety section. Written notices shall be mailed to the commission's Topeka, Kansas office, attention: pipeline safety division. Electronic notices shall be electronically mailed to the address listed on the commission-provided form.

(2) Each small gas operator shall maintain complete records relating to the gas system for the life of the system for the purposes of ensuring compliance with the minimum safety standards. Each record shall be made available when an inspector conducts a field inspection.

(b) Construction notices. Each operator shall submit to the gas pipeline safety section electronic notice or written notice using a format substantially similar to the form posted on the commission's web site, at least 10 business days before the commencement of the construction project. Construction notices for each project not started by year-end or in progress at year-end shall be resubmitted to the commission for the subsequent year. Electronic notices shall be electronically mailed to the address listed on the form posted on the commission's web site. Written notices shall be mailed to the commission's Topeka, Kansas office, attention: pipeline safety division. (Authorized by and implementing K.S.A. 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended Jan. 25, 2008; amended Dec. 10, 2021.)

**82-11-10. Drug and alcohol testing.** The federal regulations titled "drug and alcohol testing," 49 C.F.R. Part 199 as in effect October 1, 2018, excluding sections labeled "reserved," are hereby adopted by reference only as they apply to operators of pipeline facilities that deal in the transportation of natural gas by pipeline, with the following modifications:

(a) All references to "DOT agency" shall be replaced with "federal or state agency."

(b) 49 C.F.R. 199.1 shall be deleted and replaced by the following: "This regulation requires operators of pipeline facilities subject to K.A.R. 82-11-4 to test covered employees for the presence of prohibited drugs and alcohol."

(c) 49 C.F.R. 199.2 shall be deleted and replaced by the following:

"(a) This part applies to operators of intrastate natural gas pipelines within the state of Kansas.

"(b) This part does not apply to covered functions performed on:

"(1) Master meter systems, as defined in K.A.R. 82-11-3; or

“(2) pipeline systems that transport only petroleum gas or petroleum gas/air mixtures.”

(d) 49 C.F.R. 199.3 shall be deleted and replaced by the following: “As used in this part:

“(a) ‘accident’ means an incident involving gas pipeline facilities or liquefied natural gas facilities reportable under K.A.R. 82-11-3;

“(b) ‘administrator’ means the Administrator, Pipeline and Hazardous Materials Safety Administration;

“(c) ‘covered employee, employee, or individual to be tested’ means a person who performs a covered function, including persons employed by operators, contractors engaged by operators, and persons employed by such contractors;

“(d) ‘covered function’ means an operations, maintenance, or emergency response function regulated by K.A.R. 82-11-4 and K.A.R. 82-11-8 that is performed on a pipeline or on a liquefied natural gas facility;

“(e) ‘DOT Procedures’ means the Procedures for Transportation Workplace Drug and Alcohol Testing Programs published by the Office of the Secretary of Transportation in 49 C.F.R. Part 40 as in effect on October 1, 2018;

“(f) ‘fail a drug test’ means that the confirmation test results show positive evidence under DOT Procedures of a prohibited drug in the employee’s system;

“(g) ‘operator’ means a person who owns or operates pipeline facilities subject to K.A.R. 82-11-1 through K.A.R. 82-11-11;

“(h) ‘pass a drug test’ means that initial testing or confirmation testing under DOT Procedures does not show evidence of the presence of a prohibited drug in the person’s system;

“(i) ‘performs a covered function’ includes actually performing, ready to perform, or immediately available to perform a covered function;

“(j) ‘positive rate for random drug testing’ means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (i.e., positives, negatives, and refusals) under this part;

“(k) ‘prohibited drug’ means any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act, 21 U.S.C. § 812 — marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP);

“(l) ‘refuse to submit, refuse, or refuse to take’ means behavior consistent with DOT Procedures concerning refusal to take a drug test or refusal to take an alcohol test;

“(m) ‘state agency’ means the state corporation commission of the state of Kansas.”

(e) 49 C.F.R. 199.5 shall be deleted and replaced by the following: “The antidrug and antialcohol programs required by this part shall be conducted according to the requirements of this part and K.A.R. 82-4-3b. Terms and

concepts used in this part shall have the same meaning as in K.A.R. 82-4-3b. Violations of K.A.R. 82-4-3b with respect to antidrug and antialcohol programs required by this part shall be violations of this part.”

(f) 49 C.F.R. 199.7 shall be deleted and replaced by the following:

“(a) Each operator who seeks a waiver under 49 C.F.R. 40.21 from the stand-down restriction shall submit an application for waiver in duplicate to the gas pipeline safety section of the state agency and the Associate Administrator for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001;

“(b) If the applicant is granted a waiver pursuant to 49 C.F.R. 40.21, a copy of the waiver shall be submitted to the gas pipeline safety section of the state agency.

“(c) Each operator who seeks a waiver under 49 C.F.R. 40.21 from the stand-down restriction shall provide the gas pipeline safety section of the commission a copy of the associate administrator’s decision regarding the waiver within 10 days from the date the operator receives the associate administrator’s decision.”

(g) 49 C.F.R. 199.9 shall be deleted.

(h) 49 C.F.R. 199.100 shall be deleted.

(i) 49 C.F.R. 199.101(b) shall be deleted and replaced with the following: “After notice and opportunity for hearing as provided in 49 C.F.R. 190.206 or K.A.R. 82-11-6, K.A.R. 82-1-230, and K.A.R. 82-1-232(b), the associate administrator or the state agency, with respect to pipeline facilities governed by an operator’s plans and procedures may require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.”

(j) The last sentence in 49 C.F.R. 199.225(b)(4)(i) shall be deleted and replaced with the following: “Records shall be submitted to PHMSA upon request of the administrator or the gas pipeline safety section upon request from the staff of the gas pipeline safety section of the state agency.”

(k) 49 C.F.R. 199.229(d) shall be deleted and replaced with the following: “A service agent (e.g., Consortia/Third Party Service Administrator as defined in 49 C.F.R. Part 40.3) may prepare the MIS report on behalf of an operator. However, each report shall be certified by the operator’s antidrug manager or designated representative for accuracy and completeness.” (Authorized by and implementing K.S.A. 66-1,150; effective April 16, 1990; amended March 12, 1999; amended July 7, 2003; amended June 26, 2009; amended Aug. 5, 2011; amended Dec. 10, 2021.)

Lynn M. Retz  
Executive Director