



RAILROAD COMMISSION OF TEXAS

OFFICE OF GENERAL COUNSEL

MEMORANDUM

TO: Chairman David Porter
Commissioner Christi Craddick
Commissioner Ryan Sitton

FROM: Haley Cochran, Attorney– General Counsel Section
Office of General Counsel 

THROUGH: Alexander C. Schoch, General Counsel 

DATE: November 29, 2016

SUBJECT: Proposed Amendment of 16 TAC §§2.1, 7.315,
7.7101, 8.210, 8.301, and 18.11, to update the
Commission's domain name.

December 6, 2016		
Approved	Denied	Abstain
		

Attached is Staff's recommendation to publish proposed amendments to 16 Tex. Admin. Code §§2.1, 7.315, 7.7101, 8.210, 8.301, and 18.11. The amendments are proposed to correct outdated references to Commission web pages and email addresses.

Staff requests the Commission's approval to publish the proposed amendments in the *Texas Register* for a 30-day comment period. If approved at conference on December 6th, the proposal should appear in the December 23, 2016 issue of the *Texas Register*. The proposal and an online comment form would also be made available on the Commission's website the day after conference, giving interested persons more than two additional weeks to review and submit comments to the Commission.

cc: Kimberly Corley, Executive Director
Wei Wang, Chief Financial Officer

1 The Railroad Commission of Texas (Commission) proposes to amend §8.210, relating to
2 Reports, and §8.301, relating to Required Records and Reporting, to correct references to the
3 Commission's domain name.

4 Kari French, Director, Oversight and Safety Division, has determined that for each year of the
5 first five years the proposed amendments will be in effect, there will be no fiscal effect on state or local
6 government or persons required to comply as a result of the proposed amendments.

7 Ms. French has determined that for each year of the first five years that the amendments will be
8 in effect the primary public benefit would be the correction in the rules of an outdated reference.

9 The Commission has determined that the proposed amendments will not have an adverse
10 economic effect on small businesses or micro-businesses.

11 The Commission has also determined that the proposed amendments will not affect a local
12 economy. Therefore, the Commission has not prepared a local employment impact statement pursuant to
13 Texas Government Code, §2001.022.

14 The Commission has determined that the amendments do not meet the statutory definition of a
15 major environmental rule as set forth in Texas Government Code, §2001.0225(a); therefore, a regulatory
16 analysis conducted pursuant to that section is not required.

17 Comments on the proposal may be submitted to Rules Coordinator, Office of General Counsel,
18 Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967; online at
19 www.rrc.texas.gov/legal/rules/comment-form-for-proposed-rulemakings; or by electronic mail to
20 rulescoordinator@rrc.texas.gov. The Commission will accept comments until noon (12:00 p.m.) on
21 Monday, January 23, 2017, which is 31 days after publication in the *Texas Register*. The Commission
22 finds that this comment period is reasonable because the proposal and an online comment form will be
23 available on the Commission's web site more than two weeks prior to *Texas Register* publication of the
24 proposal, giving interested persons additional time to review, analyze, draft, and submit comments. The

1 Commission encourages all interested persons to submit comments no later than the deadline. The
2 Commission cannot guarantee that comments submitted after the deadline will be considered. For further
3 information, call Ms. French at (512) 463-8559. The status of Commission rulemakings in progress is
4 available at www.rrc.texas.gov/legal/rules/proposed-rules.

5 The Commission proposes the amendments pursuant to Texas Natural Resources Code, §81.051
6 and §81.052, which give the Commission jurisdiction over all common carrier pipelines in Texas,
7 persons owning or operating pipelines in Texas and their oil and gas wells, and authorize the
8 Commission to adopt all necessary rules for governing and regulating persons and their operations under
9 the jurisdiction of the Commission as set forth in §81.051, including such rules as the Commission may
10 consider necessary and appropriate to implement state responsibility under any federal law or rules
11 governing such persons and their operations.

12 Texas Natural Resources Code, §§81.051 and 81.052 are affected by the proposed amendments.

13 Statutory authority: Texas Natural Resources Code, §§81.051 and 81.052.

14 Cross-reference to statutes: Texas Natural Resources Code, §§81.051 and 81.052.

15
16 §8.210. Reports.

17 (a) Accident, leak, or incident report.

18 (1) - (2) (No change.)

19 (3) Written report.

20 (A) Following the initial telephonic report for accidents, leaks, or incidents
21 described in paragraph (1) of this subsection, the operator who made the telephonic report shall submit to
22 the Commission a written report summarizing the accident or incident. The report shall be submitted as
23 soon as practicable within 30 calendar days after the date of the telephonic report. The written report
24 shall be made on forms supplied by the Department of Transportation. For reports submitted

1 electronically to the Department of Transportation, the operator shall forward a copy of the report and
2 confirmation to the Division or electronically to safety@rrc.texas.gov [~~safety@rrc.state.tx.us~~]. For
3 reports not submitted electronically to the Department of Transportation, the operator shall send to the
4 Division an original signed report form.

5 (B) - (C) (No change.)

6 (b) Pipeline safety annual reports.

7 (1) Except as provided in paragraph (2) of this subsection, each gas company shall
8 submit an annual report for its intrastate systems in the same manner as required by 49 CFR Part 191.
9 The report shall be submitted to the Division on forms supplied by the Department of Transportation not
10 later than March 15 of a year for the preceding calendar year. For reports submitted electronically to the
11 Department of Transportation, the operator may forward a copy of the report and confirmation to the
12 Division or electronically to safety@rrc.texas.gov [~~safety@rrc.state.tx.us~~]. For reports not submitted
13 electronically to the Department of Transportation, the operator shall send to the Division an original
14 signed report form.

15 (2) (No change.)

16 (c) - (d) (No change.)

17 (e) Leak Reporting. For purposes of this subsection, the term "leak" includes all underground
18 leaks, all hazardous above ground leaks, and all non-hazardous above ground leaks that cannot be
19 eliminated by lubrication, adjustment, or tightening. Each operator of a gas distribution system, of a
20 regulated plastic gas gathering line, or of a plastic gas transmission line shall submit to the Division a list
21 of all leaks repaired on its pipeline facilities. Each such operator shall list all leaks identified on all
22 pipeline facilities. Each such operator shall also include the number of unrepaired leaks remaining on the
23 operator's systems by leak grade. Each such operator shall submit leak reports using the Commission's
24 online reporting system, Form PS-95, by July 15 and January 15 of each calendar year, in accordance

1 with the PS-95 Semi-Annual Leak Report Electronic Filing Requirements, set out in the Figure in this
2 subsection. The report submitted on July 15 shall include information from the previous January 1
3 through the previous June 30. The report submitted on January 15 shall include information from the
4 previous July 1 through the previous December 31. The report includes:

5 (1) - (6) (No change.)

6 (7) Leak repair method.

7 Figure: 16 TAC §8.210(e)(7) (No change.)

8
9 §8.301. Required Records and Reporting.

10 (a) Accident reports. In the event of any failure or accident involving an intrastate pipeline
11 facility from which any hazardous liquid or carbon dioxide is released, if the failure or accident is
12 required to be reported by 49 CFR Part 195, the operator shall report to the Commission as follows.

13 (1) Incidents involving crude oil. In the event of an accident involving crude oil, the
14 operator shall:

15 (A) (No change.)

16 (B) within 30 days of discovery of the incident, submit a completed Form H-8 to
17 the Oil and Gas Division of the Commission. In situations specified in the 49 CFR Part 195, the operator
18 shall also file a copy of the required Department of Transportation form with the Division. For reports
19 submitted electronically to the Department of Transportation, the operator shall forward a copy of the
20 report and confirmation to the Division or electronically to safety@rrc.texas.gov

21 [~~safety@rrc.state.tx.us~~]. If an operator does not submit reports electronically to the Department of
22 Transportation, the operator shall send the report to the Division on an original signed report form.

23 (2) Hazardous liquids, other than crude oil, and carbon dioxide. For incidents involving
24 hazardous liquids, other than crude oil, and carbon dioxide, the operator shall:

1 (A) (No change.)

2 (B) within 30 days of discovery of the incident, file with the Division a written
3 report using the appropriate Department of Transportation form (as required by 49 CFR Part 195) or a
4 facsimile. For reports submitted electronically to the Department of Transportation, the operator shall
5 forward a copy of the report and confirmation to the Division or electronically to safety@rrc.texas.gov
6 [~~safety@rrc.state.tx.us~~]. If an operator does not submit reports electronically to the Department of
7 Transportation, the operator shall send the report to the Division on an original signed report form.

8 (b) Annual report. Each operator shall file with the Commission an annual report for its
9 intrastate systems located in Texas in the same manner as required by 49 CFR Part 195. The report shall
10 be filed with the Commission on forms supplied by the Department of Transportation on or before June
11 15 of a year for the preceding calendar year reported. For reports submitted electronically to the
12 Department of Transportation, the operator may forward a copy of the report and confirmation to the
13 Division or electronically to safety@rrc.texas.gov [~~safety@rrc.state.tx.us~~]. For reports not submitted
14 electronically to the Department of Transportation, the operator shall send to the Division an original
15 signed report form.

16 (c) - (d) (No change.)

17 This agency hereby certifies that the proposal has been reviewed by legal counsel and found to
18 be within the agency's authority to adopt.

19 Issued in Austin, Texas on December 6, 2016.

20 Filed with the Office of the Secretary of State on December 6, 2016.


Haley Cochran
Rules Attorney, Office of General Counsel
Railroad Commission of Texas