

**7530.0400 INSPECTION RESULTS.**

Subpart 1. **Requests for specific information.** After a complaint, report, or inspection, the office shall send the pipeline operator a request for specific information (1) if further information is necessary to determine appropriate action, (2) when further information is necessary to determine if the office has jurisdiction to act, or (3) when necessary to determine compliance with applicable pipeline safety standards. The pipeline operator has five days to respond to a request for information that is necessary to determine if a reportable incident has taken place or that arises from a reportable incident. The pipeline operator has 30 days to respond to all other requests for specific information. The office may allow more than 30 days to respond based on the quantity of information requested, the difficulty in obtaining the requested information, and the potential hazard to public safety.

Subp. 2. **Warning letters; response.** The office shall issue a warning letter when (1) the office has good cause to believe a violation of the federal Natural Gas Pipeline Safety Act; the federal Hazardous Liquid Pipeline Safety Act; Minnesota Statutes, sections 299F.56 to 299F.641 and 299J.01 to 299J.09; or a rule, regulation, or order issued under any of these laws, has occurred and (2) the office determines that no immediate threat to public safety exists but that a threat to public safety will develop if the violation is not corrected within a reasonable time. The letter must indicate the nature of the probable violation and advise that the pipeline operator must correct the violation or be subject to further enforcement action by the office.

The pipeline operator has 30 days to respond to the warning letter. The office may allow more than 30 days to respond based on the quantity of information requested, the difficulty in obtaining the requested information, and the potential hazard to public safety. If more than 30 days is required to respond, the operator must request a time extension in writing to the office.

Subp. 3. **Notice of probable violation; response.** The office shall issue a notice of probable violation when (1) the office has good cause to believe a violation of the federal Natural Gas Pipeline Safety Act; the federal Hazardous Liquid Pipeline Safety Act; Minnesota Statutes, sections 299F.56 to 299F.641 and 299J.01 to 299J.09; or a rule, regulation, or order issued under any of these laws, has occurred and (2) the office determines that a warning letter issued under subpart 2 will not be effective or will not adequately address public safety issues. The notice must contain a proposed compliance order or proposed civil penalty.

The pipeline operator has 30 days to respond to the notice of probable violation. The office may allow more than 30 days to respond based on the quantity of information requested, the difficulty in obtaining the requested information, and the potential hazard

to public safety. If more than 30 days is required to respond, the operator must request a time extension in writing to the office.

Subp. 4. **Contents of warning letter or notice.** A warning letter or notice of probable violation must include:

A. a statement of the statute, regulation, or rule allegedly violated by the pipeline operator and a description of the evidence on which the allegation is based;

B. notice of response options available to the pipeline operator;

C. if a civil penalty is proposed, the amount of the proposed civil penalty and the maximum civil penalty applicable under law; and

D. if a compliance order is proposed, a statement of the remedial action being sought in the form of a proposed compliance order.

Subp. 5. **Response options.** The pipeline operator shall respond to the warning letter or notice of probable violation in the following way:

A. When the warning letter or notice of probable violation contains a proposed compliance order, the pipeline operator shall:

(1) agree to the proposed compliance order;

(2) request the execution of a consent order;

(3) object to the proposed compliance order and submit written explanations, information, or other materials in answer to the allegations in the notice; or

(4) request the office to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.

B. When the warning letter or notice of probable violation contains a proposed civil penalty, the pipeline operator shall:

(1) pay the penalty and close the case;

(2) submit an offer in compromise of the proposed civil penalty;

(3) submit a written explanation, information, or other material in answer to the allegations or in mitigation of the proposed civil penalty; or

(4) request the office to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.

**Statutory Authority:** *MS s 299F.57; 299J.04*

**History:** *15 SR 83*

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