

7530.1200 HAZARDOUS FACILITY ORDERS.

Subpart 1. **In general.** After an inspection, report, or complaint, the office shall find a particular facility to be hazardous to life or property under Minnesota Statutes, section 299F.57, subdivision 4, if under the facts and circumstances:

- A. the office determines the particular facility is hazardous to life or property; or
- B. the pipeline facility, or a component, has been constructed with equipment, material, or technique that is hazardous to life or property, unless the pipeline operator demonstrates that the equipment, material, or technique is not hazardous to life or property.

Subp. 2. **Determination factors.** In considering whether a facility will be determined to be hazardous to life or property, the office shall consider:

- A. the characteristics of the pipe and other equipment used in the pipeline facility involved, including its age, manufacturer, physical properties, resistance to corrosion and deterioration, and methods of manufacture, construction, and assembly;
- B. the nature of the materials transported by the facility, including their corrosive and deteriorative qualities, and the sequence in which the materials are transported;
- C. the area in which the pipeline facility is located, the climatic and geologic conditions associated with the area, and the population, population density, and growth patterns of the area; and
- D. the adequacy of the pipeline operator's records to show the absence of hazardous conditions.

Subp. 3. **Order.** If the office finds a particular pipeline facility to be hazardous to life or property, the director shall issue a hazardous facility order if failure to do so would result in the likelihood of serious harm to life or property. The hazardous facility order shall provide an opportunity for a contested case hearing as soon as practical.

Subp. 4. **Order contents.** The order must contain:

- A. a finding that the pipeline facility is hazardous to life or property;
- B. the facts on which the finding is based;
- C. the legal basis of the order;
- D. the nature and description of the particular corrective action required of the respondent;
- E. the date by which the required action must be taken or completed and, when appropriate, the duration of the order; and
- F. if a hearing has been waived under this part, a statement that an opportunity for a hearing is provided as soon as practical.

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

History: *15 SR 83*

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