

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

#### **4 CODE OF COLORADO REGULATIONS (CCR) 723-11**

##### **PART 11**

##### **RULES REGULATING PIPELINE OPERATORS AND GAS PIPELINE SAFETY**

###### **11001. Definitions.**

The following definitions apply throughout this Part 11, except where a specific rule or statute provides otherwise or where the context otherwise indicates. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

\* \* \* \*

[indicates omission of unaffected rules]

- (h) “Distribution system” means the piping and associated facilities used to deliver natural gas to customers and does not include the facilities that an operator owns that are classified as production, storage, gathering, or transmission facilities.
- (i) “Excavation damage” means any impact that results in the need to repair or replace an underground facility due to a weakening or the partial or complete destruction of a facility, including, the protective coating; plastic pipe tracer wire; lateral support; cathodic protection; or the housing for the line device or facility.
- (j) “Gas” means natural gas, flammable gas, and any gas that is toxic or corrosive gas, or petroleum gas.
- (k) “Gathering pipeline” means any pipeline determined through the use of 49 C.F.R. § 192.8.
- (l) “Geographic Information Systems (GIS)” means a computer-based system for capturing, storing, checking, displaying, and analyzing data related to positions on Earth’s surface.
- (m) “Hazardous facility” means a pipeline facility that, if allowed to go into operation or to remain in operation, would pose a severe or imminent risk to public safety.
- (n) “Inactive/Idle” means a pipeline or pipeline segment that has ceased normal operations and will not resume service for a period of not less than 180 days; has been isolated from all sources of hazardous liquid, natural gas, or other gas; and has been purged of combustibles and hazardous materials and maintains a blanket of inert, non-flammable gas at low pressure or has not been purged but the volume of gas is so small that there is no potential hazard, as defined in 49 U.S.C. § 60143.
- (o) “Incident” means an event defined as of the effective date of these rules, in 49 C.F.R. § 191.3, for a pipeline facility covered by 49 C.F.R. Part 192 or an emergency, as defined in § 193.2007 for an LNG facility.

(p) “Liquefied natural gas” (LNG) means natural or synthetic gas that has methane (CH<sub>4</sub>) as its major constituent and that has been converted to liquid form for purposes of storage or transport.

(q) “Liquid petroleum gas (LPG) system” means the liquid petroleum (LP) tanks and/or the pipeline system used to transport and distribute LP fuel gas to ten or more customers within a definable private (i.e. non-municipal or public) area (e.g., a mobile home park or resort), or less than ten customers if the system crosses a public right-of-way. LPG systems may have multiple operators if the supplying tank(s) is/are operated and maintained distinctly from the pipeline system by a different owner.

(r) “Low-pressure distribution system” means a gas distribution system in which the gas pressure in the main is substantially the same as the pressure provided to the customer, i.e., the lowpressure gas burning equipment of the customer may be safely and continually operated at the delivered system pressure.

(s) “LPG Tank – CDLE OPS Inspected” means any LPG tank inspected by the Colorado Department of Labor and Employment, Division of Oil and Public Safety under the authority of the OPS rules.

(t) “LNG facility” means a pipeline facility that is used for liquefying natural or synthetic gas and/or for transferring, storing, or vaporizing liquefied natural gas.

(u) “Main” means a distribution line that serves, or is designed to serve, as a common source of supply for more than one service line.

(v) “Major master meter operator (MMO)/LPG system” refers to any MMO or LPG pipeline system serving 100 or more customers.

(w) “Mechanical excavation” means any operation in which earth is moved or removed by means of any tools, equipment, or explosives and includes auguring, backfilling, boring, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching, hydro-excavating, post/postholing, and tunneling.

(x) “MMO gas system” means a non-utility pipeline system used for transport and distribution of natural gas to ten or more customers within a definable private (i.e., non-municipal or public) area (e.g., a mobile home park or resort), or less than ten customers if the system crosses a public right-of-way.

(y) “Minor MMO/LPG system” means any MMO or LPG pipeline system serving between 20 and 99 customers.

(z) “Municipality” means a city, town, or village in the state of Colorado.

(aa) “NRC” means the National Response Center of the United States Coast Guard.

(bb) “NTSB” means the National Transportation Safety Board, an independent federal agency.

(cc) “Natural Gas Pipeline Act” means the federal statute found at 49 U.S.C. §§ 60101 et seq., as amended.

(dd) “No immediate safety impact” refers to action or inaction by operator/operator contractors on jurisdiction pipeline facilities that resulted in no immediate or imminent hazard to either the public, operator/operator contractor personnel, or pipeline system integrity.

- (ee) “Operator” means a person who is engaged in the transportation of gas, or who has the right to bury underground pipeline, or who is both engaged in the transportation of gas and has the right to bury underground pipeline, and may include an owner, such as a pipeline corporation.
- (ff) “Operator contractor” means any person or entity empowered by an operator to perform any action covered by 49 C.F.R. Part 192 and these rules.
- (gg) “Operator endangerment” refers to action or inaction by operator/operator contractors on pipeline facilities that resulted in an immediate or imminent hazard to operator/operator contractor personnel.
- (hh) “OPS” means the Office of Pipeline Safety, a unit of the PHMSA.
- (ii) “Part 192” means 49 C.F.R. Part 192 – Transportation of natural and other gas by pipeline: Minimum Federal safety standards.
- (jj) “Person” means an individual, firm, joint venture, partnership, corporation, association, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.
- (kk) “Petroleum gas” means propane, propylene, butane, (normal butane or isobutanes), and butylene or mixtures composed predominately of these gases.
- (ll) “PHMSA” means the Pipeline and Hazardous Materials Safety Administration, an agency of the United States Department of Transportation.
- (mm) “Pipeline” or “pipeline system” means all parts of those physical intrastate facilities through which gas moves in transportation, including, but not limited to, pipes, valves, and other appurtenances attached to pipes, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies that start downstream beyond the farthest most point of oil and gas production. Flowlines that are regulated by the ECMC and used for oil and gas production are not included in the definition.
- (nn) “Pipeline excavation damage prevention program” means an operator’s written program and processes to prevent damage to a pipeline by excavation, as defined in 49 C.F.R. § 192.614.
- (oo) “Pipeline facility” means new and existing intrastate pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas, or in the treatment of gas during transportation.
- (pp) “Pipeline integrity” means the ability of a pipeline system to operate as it was verifiably designed and constructed.
- (qq) “Pipeline safety program” (PSP) means the Commission’s pipeline safety program operated in accordance with the Commission’s 49 U.S.C. §§ 60105 (a) certification and 60106 (a) agreement.
- (rr) “Production facility” means flowline and associated equipment used at a wellsite in producing, extracting, recovering, lifting, stabilizing, initial separating, treating, initial dehydrating, disposing, and/or above ground storing, of liquid hydrocarbons, associated liquids, and associated natural hydrocarbon gases. A production facility may include flowlines up to a central delivery point directly associated with a specific producing field. To be a production facility under this rule, a flowline must be used in the process of extracting hydrocarbons and associated liquids from the ground or from facilities where hydrocarbons are produced or must be used for disposal or injection in reservoir maintenance or recovery operations.

(ss) “PSP Chief” means the program manager of the PHMSA certified PSP of the Colorado Public Utilities Commission.

(tt) “PSP Lead Engineer” means the senior technical staff member of the PHMSA certified PSP of the Colorado Public Utilities Commission.

(uu) “PSP Staff” means a staff member of the PHMSA certified PSP of the Colorado Public Utilities Commission.

(vv) “Program certification obligations and agreements” means the pipeline safety program obligations required under 49 U.S.C. § 60105 (a) and the pipeline safety agreements required under 49 U.S.C. § 60106 (b).

(ww) “Public endangerment” means an action or inaction by an operator/operator contractor on pipeline facilities that results in:

- (I) interruption or delay of make safe actions designed to protect human life;
- (II) unintended gas release requiring emergency (versus precautionary) evacuation of the public;
- (III) an unsafe ignition of intended gas release in an area accessible to the public;
- (IV) system overpressurization event/failure of system overpressure protection requiring emergency (versus precautionary) evacuation of the public; or
- (V) any other hazardous situation that results in an immediate or imminent hazard to the public.

(xx) “Records” means information created, manipulated, communicated or stored in physical, digital, or electronic form. Records relate, but are not limited, to functions, policies, decisions, procedures, operations, or other activities of the utility.

(yy) “Roadway” means a main public artery, highway, or interstate highway.

(zz) “Related violation” for purposes of informing the Commission authority pursuant to § 40-7-117, C.R.S., means a violation of these rules that has been proven to be directly linked with a PUC rule violation or violations by time, place, activity, and/or personnel.

(aaa) “Request for Information (RFI)” means any request from the PSP Chief or assignee to a jurisdictional operator for information associated with PSP inspection activities authorized by paragraph 11013(a).

(bbb) “Single structure, above-ground MMO/LPG system” or “SSAG System” means any MMO or LPG system that is:

- (I) a low-pressure gas distribution system;
- (II) is comprised wholly of above-ground piping/appurtenances; and
- (III) is contained wholly within or on a single continuous structure such as an apartment building, hotel, mall, etc.

(ccc) "Small operator" means any gas distribution system operator that operates less than 1000 natural gas distribution services in the state of Colorado.

(ddd) "Threshold MMO/LPG system" means any MMO or LPG pipeline system serving less than 20 customers.

(eee) "Transportation of gas" means the gathering, transmission, or distribution, of gas by pipeline, or the storage of gas within the state of Colorado that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act.

(fff) "UNCC/Colorado 811" means the Utility Notification Center of Colorado.

(ggg) "U.S.C." means the United States Code.

**11002. – 11007. [Reserved].**

**11008. Incorporation by Reference.**

- (a) The Commission incorporates by reference the federal standards for reporting safety-related conditions associated with the transportation of natural gas and other gas by pipeline published in 49 C.F.R. § 191.23 (reporting safety-related conditions), effective May 16, 2022 and § 191.25 (filing safety-related condition reports), effective July 1, 2020. This incorporation by reference does not include later amendments to, or editions of, 49 C.F.R. Part 191.
- (b) The Commission incorporates by reference the federal safety standards for the transportation of natural gas and other gas by pipeline published in 49 C.F.R. Part 192, effective June 28, 2024. This incorporation by reference does not include later amendments to, or editions of, 49 C.F.R. Part 192.
- (c) The Commission incorporates by reference the federal safety standards for liquefied natural gas facilities that are published in 49 C.F.R. Part 193 effective August 6, 2015. This incorporation by reference does not include later amendments to, or editions of, 49 C.F.R. Part 193.
- (d) The Commission incorporates by reference the drug and alcohol testing regulations and procedures of PHMSA published in 49 C.F.R. Part 40, effective June 21, 2024 and Part 199 effective, April 23, 2019. This incorporation by reference does not include later amendments to, or editions of, 49 C.F.R. Parts 40 and 199.
- (e) The Commission incorporates by reference the NPMS Operator Standards Manual, updated January 2024.
- (f) Any material incorporated by reference in this Part 11 may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except for state holidays. Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. The Director or the Director's designee will provide information regarding how the incorporated standards may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: [www.govinfo.gov/help/cfr](http://www.govinfo.gov/help/cfr).

[indicates omission of unaffected rules]

## **CUSTOMER-OWNED YARD LINES**

### **11205. Definitions.**

- (a) “Customer-owned gas line” means the portion of the gas line that extends from the outlet of the gas meter to the customer’s structure (which is referred to as “downstream” from the gas meter because that is the direction of the flow of the gas).
- (b) “Customer-owned yard line” is a customer-owned gas line in which the gas meter is located remotely from (i.e., not immediately adjacent to) the structure and at least a portion of the pipe between the gas meter and the structure is buried. This definition excludes master meters and fuel lines serving industrial customers (e.g., power plants).
- (c) “Gas meter” means the meter that measures the transfer of gas from an operator to a customer.

### **11206. Division of Responsibility for Maintenance and Repairs.**

- (a) The process for determining whether a customer or operator is responsible for maintenance and repairs of a gas line is to locate the outlet of the gas meter. The pipe that extends downstream from the outlet of the gas meter is the customer-owned gas line. The gas meter and the pipe upstream from the meter are owned by the operator.
- (b) Customers are responsible for maintenance and repairs of customer-owned gas lines, including without limitation customer-owned gas lines installed on or after August 14, 1995.
- (c) Operators are responsible for maintenance and repairs of gas meters and all other pipe upstream from gas meters.

### **11207. Operator Duties.**

- (a) In addition to the requirements outlined in 49 C.F.R. § 192.16, an operator that distributes natural gas to a customer-owned yard line installed by the operator on or after March 1, 2024, shall provide written notice to the customer within ninety days after installation that, at a minimum, informs the customer that the customer is responsible for maintaining and repairing the customer-owned yard line.
  - (I) The operator shall use best efforts to obtain a copy of the written notice described in paragraph (a) of this rule with the customer’s signature within 90 days after installation of the customer-owned yard line.
  - (II) With respect to the copy of the written notice described in paragraph (a) of this rule that includes the customer’s signature in accordance with subparagraph (a)(I) of this section, the operator shall:
    - (A) provide a copy to the customer for the customer’s records;
    - (B) maintain a copy for the operator’s records for the duration of the lifetime of the customer-owned yard line;
    - (C) provide a copy to a pipeline safety inspector upon request; and

- (D) if the property on which the customer-owned yard line is located changes ownership, the operator must use best efforts to obtain a new copy of the written notice described in paragraph (d) of this rule with the new property owner's signature from the new property owner within ninety days after the change of ownership if the operator is aware of the change.
- (III) If, after best efforts, the operator fails to obtain a copy of the written notice described in paragraph (a) of this rule with the customer's signature from the customer in accordance with subparagraph (a)(I) of this rule, the operator must either maintain proof of efforts to obtain the customer's signature or document the customer's refusal to provide a signature.
- (b) In addition to the requirements outlined in 49 C.F.R. §§ 192.353 and 192.355, operators must ensure that service regulator vents and relief vents installed or reinstalled on or after the effective date of this rule are at least 12 inches above ground level at the time of installation or reinstallation and located in an area that is protected from external blockage.
- (c) In addition to the requirements outlined in 49 C.F.R. § 192.481, a visual inspection of gas meters and service regulators is required by a qualified individual no less frequently than every five calendar years with intervals not to exceed 63 months. The documentation of each inspection shall be recorded and the operator of the gas meter or service regulator shall retain the documentation for the lifetime of the gas meter or service regulator.

## **BEST PRACTICES**

### **11208. Best Practices.**

- (a) These rules are not intended to prohibit or foreclose the use of best practices and standards accepted in the industry. To the extent any such best practices and/or standards exist at the adoption of these rules, or subsequently develop, that are believed to be prohibited by these rules, these rules shall be construed to allow the use of such best practices and standards.

### **11209. – 11299. [Reserved].**