

Mississippi Secretary of State
 700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Oil & Gas Board		CONTACT PERSON Howard O. Leach	TELEPHONE NUMBER 1-601-576-4921	
ADDRESS 500 Greymont Avenue – Suite E		CITY Jackson	STATE MS	ZIP 39202
EMAIL hleach@ogb.state.ms.us	SUBMIT DATE 10/11/13	Statewide Rule 1.6 (“Well Signage – Identification of Well and Restrictions to Access”)		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal:

Amend existing Statewide Rule 1.6 to prohibit perimeter fencing with locked gates surrounding oil and gas wells, tanks, tank batteries and related facilities

Specific legal authority authorizing the promulgation of rule: MCA Sec. 53-1-17(3) (1972)

List all rules repealed, amended, or suspended by the proposed rule: Statewide Rule 1.6 (“Well Signage, etc.”)

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: November 20, 2013 Time: 10:00 o'clock, A. M. Place: Hearing Room, Miss. State Oil & Gas Board, 500 Greymont Avenue, Suite E, Jackson, Mississippi

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input type="checkbox"/> 30 days after filing <input checked="" type="checkbox"/> Other (specify): _____ Effective 45 days after approval	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Howard O. Leach, State Attorney
 Signature of person authorized to file rules: _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by _____	Accepted for filing by <u>HL</u>	Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMANN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi State Oil & Gas Board	CONTACT PERSON Howard O. Leach		TELEPHONE NUMBER (601) 576-4921
ADDRESS 500 Greymont Avenue -- Suite E	CITY Jackson	STATE MS	ZIP 39202
EMAIL hleach@ogb.state.ms.us	DESCRIPTIVE TITLE OF PROPOSED RULE Statewide Rule 1.6 ("Well Signage -- Identification of Well and Restrictions to Access")		
Specific Legal Authority Authorizing the promulgation of Rule: MCA Sec. 53-1-17(3) (1972)	Reference to Rules repealed, amended or suspended by the Proposed Rule: Statewide Rule 1.6 ("Well Signage, etc.")		

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit: The approval of the proposed amendments to Statewide Rule 1.6 to prohibit perimeter fencing with locked gates around oil and gas wells, etc. will insure that the MSO&GB's Field Inspectors and other personnel have unrestricted and unfettered access to wells and facilities for inspection and regulatory enforcement purposes on a 24-hour a day, 7-day a week basis. The amendments will also insure that first-responders (fire, sheriffs, emergency medical personnel, etc.) have ready access to oilfield facilities in the event of emergencies (fires, explosions, etc.). Finally, the amendments will insure that oilfield workers and third-party contractor personnel can quickly exit or escape oilfield facilities in the event of emergencies.
2. Briefly describe the need for the proposed rule: Perimeter fencing with locked gates denies the MSO&GB's Field Inspectors ready access to oil and gas wells and related facilities and makes it difficult for them to timely carry out their inspection and regulatory enforcement responsibilities. Such fencing further impedes the quick access of first-responders to such facilities in the event of emergencies (fires, explosions, etc.) and makes it more difficult for oilfield workers and third-party contractor personnel to quickly exit or escape such facilities in the event of emergencies. Accordingly, perimeter fencing with locked gates surrounding such facilities should be prohibited except upon the approval of the State Oil and Gas Supervisor or where otherwise required by other MSO&GB rules.
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare: The public health, safety and welfare will be promoted by the approval of the proposed amendments. First, the ability of the MSO&GB staff to timely carry out their inspection and regulatory enforcement responsibilities with respect to oil and gas wells and related facilities will be enhanced. Secondly, the ability of first-responders to react promptly in the event of oilfield emergencies will be improved. Thirdly, the safety of oilfield workers and third-party contractor personnel will be enhanced by removing unnecessary impediments to their ability to quickly exit or escape oilfield facilities in the event of emergencies (fires, explosions, etc.).

4. Estimated Cost of implementing proposed action:
- a. To the agency
 Nothing Minimal Moderate Substantial Excessive
- b. To other state or local government entities
 Nothing Minimal Moderate Substantial Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
- c. Cost:
 Nothing Minimal Moderate Substantial Excessive
- d. Economic Benefit:
 Nothing Minimal Moderate Substantial Excessive

6. Estimated impact on small businesses:
- Nothing Minimal Moderate Substantial Excessive
- a. Estimate of the number of small businesses subject to the proposed regulation:
 50-60
- b. Projected costs for small businesses to comply: -0-
- c. Statement of probable effect on impacted small businesses: None. The proposed amendments impose no new affirmative regulatory requirements

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

B. Reasonable Alternative Methods

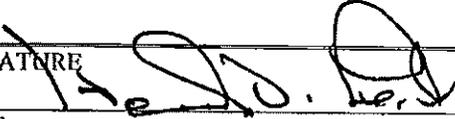
1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
 yes no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)
 Not applicable

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. The estimates and conclusions set forth above are based upon the MSO&GB's extensive experience over the past seventy (70) years in serving as Mississippi's oil and gas conservation agency. During that period this agency has permitted and regulated the day-to-day operations of thousands of oil and gas wells and related E&P facilities.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? The MSO&GB will conduct a public hearing in these rule-making proceedings commencing at 10:00 o'clock, A. M. on November 20, 2013, in the Hearing Room of the MSO&GB located at 500 Greymont Avenue, Suite E, Jackson, Mississippi. In addition, written comments and/or formal docket contests may be filed with the agency up until 5:00 o'clock, P. M. on Tuesday, November 12, 2013.

SIGNATURE 	TITLE Howard D. Leach Staff Attorney, MSO&GB
DATE October 11, 2013	PROPOSED EFFECTIVE DATE OF RULE 45 days after approval