

4901:1-16-11

**Settlement agreements and stipulations.**

- (A) If the staff and operator or gas gathering/processing plant pipeline operator reach agreement regarding any of the following: the occurrence of a noncompliance; the occurrence of a hazardous condition of a facility; the violation of a commission order; a compliance order or remedy; or the amount of a forfeiture, compromise forfeiture, or other payment, the agreement may be reduced to writing in a settlement agreement and/or stipulation. Such agreement shall be signed by the operator or gas gathering/processing plant pipeline operator, or its attorney, and an authorized representative of the staff. Except as otherwise provided in paragraphs (B) and (E) of this rule, the settlement agreement and/or stipulation shall not be effective until it is filed with the commission and approved by the commission.
- (B) If the settlement agreement and/or stipulation provides for the payment of a forfeiture, compromise forfeiture, or other payment by the operator or gas gathering/processing plant pipeline operator of one thousand dollars or less, the agreement shall be fully binding upon the commission and the operator or gas gathering/processing plant pipeline operator upon its execution.
- (C) Unless contained in or otherwise provided in a settlement agreement and/or stipulation, no statement or conduct during settlement negotiations is admissible in any other commission proceeding regarding the noncompliance, hazardous facility, or violation.
- (D) Where the operator or gas gathering/processing plant pipeline operator has demonstrated to the staff that the violation(s) listed in the notice, or amended notice, of probable noncompliance or gas pipeline safety investigative report has been corrected and where the operator or gas gathering/processing plant pipeline operator submits full payment of the proposed forfeiture prior to the execution of a written settlement agreement and/or stipulation, or final commission order, the violation(s) listed in such notice of probable noncompliance shall be considered by the commission as part of the operator's or gas gathering/processing plant pipeline operator's history of violations in determining the appropriate forfeiture for any future violation.
- (E) If the operator or gas gathering/processing plant pipeline operator pays a proposed forfeiture or more than one thousand dollars without executing a written settlement agreement and/or stipulation, the payment shall be fully binding upon the commission and the operator or gas gathering/processing plant pipeline operator when approved by the commission.

Effective: 03/28/2014

R.C. 119.032 review dates: 09/30/2014

CERTIFIED ELECTRONICALLY

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Certification

03/18/2014

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Date

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