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MEMORANDUM

To: Conveyance owners, conveyance contractors and conveyance inspectors
From: Greg Johnson, Public Safety Manager - Colorado Division of Oil and Public Safety
Regarding: Conveyance Safety Test and Inspection Timing
Date: October 11, 2018

The Division of Oil and Public Safety – Conveyance Program (OPS) created this memorandum to provide clarification of compliance with the requirement listed in Section 2-3-2 (3) of the Colorado Conveyance Regulations (7 CCR 1101-8) which becomes effective on January 1, 2019. This memorandum supersedes a previous memorandum that was distributed to stakeholders on September 27, 2018, regarding the same issue of Conveyance Safety Testing and Inspection Timing. The only change from the earlier memorandum is that OPS will be utilizing simple policy clarification instead of the Emergency Rulemaking until regulations can be amended with clarifying language through the regular process in early 2019.

The current regulation requirement in Section 2-3-2 (3) reads as follows:

Effective January 1, 2019, non-witnessed Category 1 tests shall be conducted within 60 days prior to the occurrence of the periodic inspection described in Section 2-3-1-1 of these regulations...

The intent of the requirement is to ensure that the annual safety test (Category 1 test) is completed in close proximity to and before the occurrence of, or at the same time as, the annual inspection in order that the inspector can verify that the annual safety test has been completed and completed on basically an annual frequency. If the test and inspection do not comply with the timeline in regulation, a Temporary Certificate of Operation (TCO) with an affidavit will be issued instead of an Annual Certificate of Operation (CO). The safety test will then have to be completed and the signed TCO Affidavit and a copy of the test report submitted to OPS in order for the conveyance owner to receive an Annual CO.

Input from inspectors during 2017 and 2018 continuing education events and from contractors during a meeting in August 2018, indicates that contractors should be afforded a grace period for conducting the test prior to the periodic inspection as inspectors are afforded a grace period to conduct the inspection prior to the expiration of the certificate of operation. OPS proposes that Section 2-3-2 (3) of the Conveyance Regulations be revised in early 2019 as follows:

Effective January 1, 2019, non-witnessed Category 1 tests shall be conducted ~~within 60 days~~ prior to the occurrence of the periodic inspection ~~and within 120 days prior to the Certificate of Operation expiration date or on a date as determined by the Administrator described in Section 2-3-1-1 of these regulations...~~

Until the time that revised regulations become effective in 2019, conveyance owners, contractors and inspectors will be in compliance with the Section 2-3-2 (3) of regulations if they follow the process described in the proposed regulation change listed above.

If you have additional input or wish to discuss this issue further, please contact Greg Johnson at (303) 318-8536 or greg.johnson@state.co.us.