



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 26, 2024

Mr. Todd Westcott
Paradox Pipeline
PO Box 1199
Monticello, UT 84535

Dear Mr. Westcott:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA) you requested an interpretation of the Federal pipeline safety regulations in 49 Code of Federal Regulations (CFR) Part 192 with respect to the requirements in 49 CFR § 192.9.

You asked for PHMSA's clarification regarding requirements for Types B, C, and R gathering pipelines. You asked whether these types of gathering lines are exempt from the self-implementing inspection and maintenance plan requirements in Section 114 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (PIPES Act of 2020, Pub. L. 116-260).

Section 114 of the PIPES Act of 2020 amended the pipeline safety statutes at 49 United States Code (U.S.C) 60108. Section 60108(a)(1) requires each person owning or operating a gas pipeline facility or hazardous liquid pipeline to carry out a written inspection and maintenance plan. Section 114 of the PIPES Act of 2020 contains self-executing provisions that require pipeline operators to update these inspection and maintenance plans to address eliminating hazardous leaks and minimizing releases of natural gas. Section 114 also added a requirement that the inspection and maintenance plans address replacement or remediation of pipelines known to leak due to their material, design, or past operating and maintenance history.

Owners and operators of regulated gathering lines are subject to the requirements in 49 U.S.C. 60108.¹ PHMSA defines Types A, B and C gathering lines as regulated onshore gathering lines in 49 CFR § 192.8(c). Section 192.8(c)(3) specifies that Type R gathering lines are not considered regulated onshore gathering lines under Part 192.

¹ See 49 U.S.C. 60101(a)(3) and 60101(a)(21).

The self-implementing requirements in Section 114 of the PIPES Act of 2020, therefore, apply to operators of Types A, B and C gas gathering lines. Such operators are required to have inspection and maintenance plans in accordance with 49 U.S.C. 60108 and update those plans in accordance with the requirements in Section 114 of the PIPES Act of 2020. Type R gas gathering lines are not considered regulated onshore gathering lines and, therefore, are not subject to the requirements in Section 114 of the PIPES Act of 2020.

If we can be of further assistance, please contact Tewabe Asebe at 202-366-5523.

Sincerely,

John A. Gale
Director, Office of Standards
and Rulemaking



Paradox Resources
Paradox Upstream, LLC
Paradox Midstream, LLC
500 Dallas Street
Suite 1650
Houston, TX 77002

Office of Pipeline Safety (PHP-30)
PHMSA
U.S. Department of Transportation
1200 New Jersey Avenue SE, Washington, DC 20590-0001

To whom it may concern:

I need to get a PHMSA clarification on the applicability of Part 114 regulation as it applies to Type B, C and R regulated gathering pipelines. I have a 2021 inspection with the Pipeline Safety Division of the State of Utah that needs to get closed out and leak detection is an issue that we have questions on. My interpretation of the rules is that type B, C and R pipelines are exempt from these 114 rules. The State of Utah, Office of Pipeline Safety believes that B and C are required to follow part 114 rules and R pipelines are exempt. I have talked to Lane Miller in September of 2021, at a pipeline safety seminar in Salt Lake City Utah and have had correspondence with Sayler Palabrica to get clarification. Sayler suggested that I write this letter. Lane has stated that he believes B, C and R pipeline segments are all exempt from part 114 leak regulation. Please Clarify.

Todd Westcott, Paradox Pipeline:
PO Box 1199
Monticello, UT 84535
toddwestcott@gmail.com
Mobile 435-220-0021
OPID 39030