



U. S. Department of Transportation

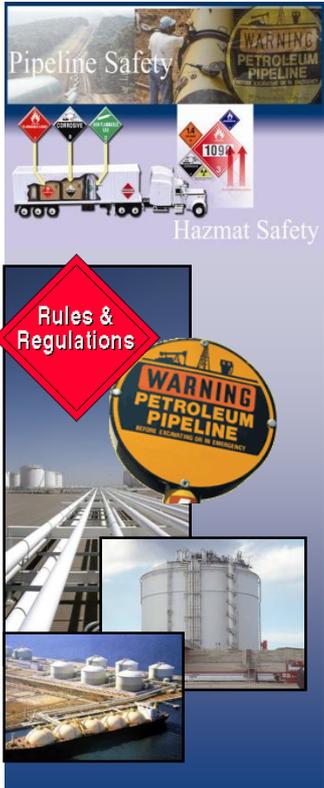
**Pipeline and Hazardous Materials
Safety Administration**

www.dot.gov



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**



Special Permits

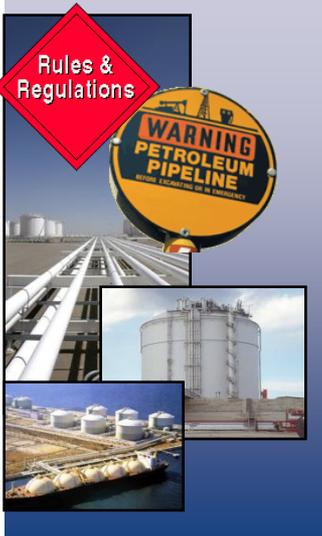
SGA Web Conference

April 13, 2009



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration



Special Permits

What is a Special Permit?

- **Special Permit is an order by which PHMSA waives compliance with one or more of the existing Federal pipeline safety regulations.**
- **Special Permit is granted only to the company that requested the waiver (no blanket special permits).**
- **Special Permit only applies to the specific situation identified in the company's written request.**

Special Permit Authority

The Law – Federal Waivers - 49 U.S.C. 60118 (c)

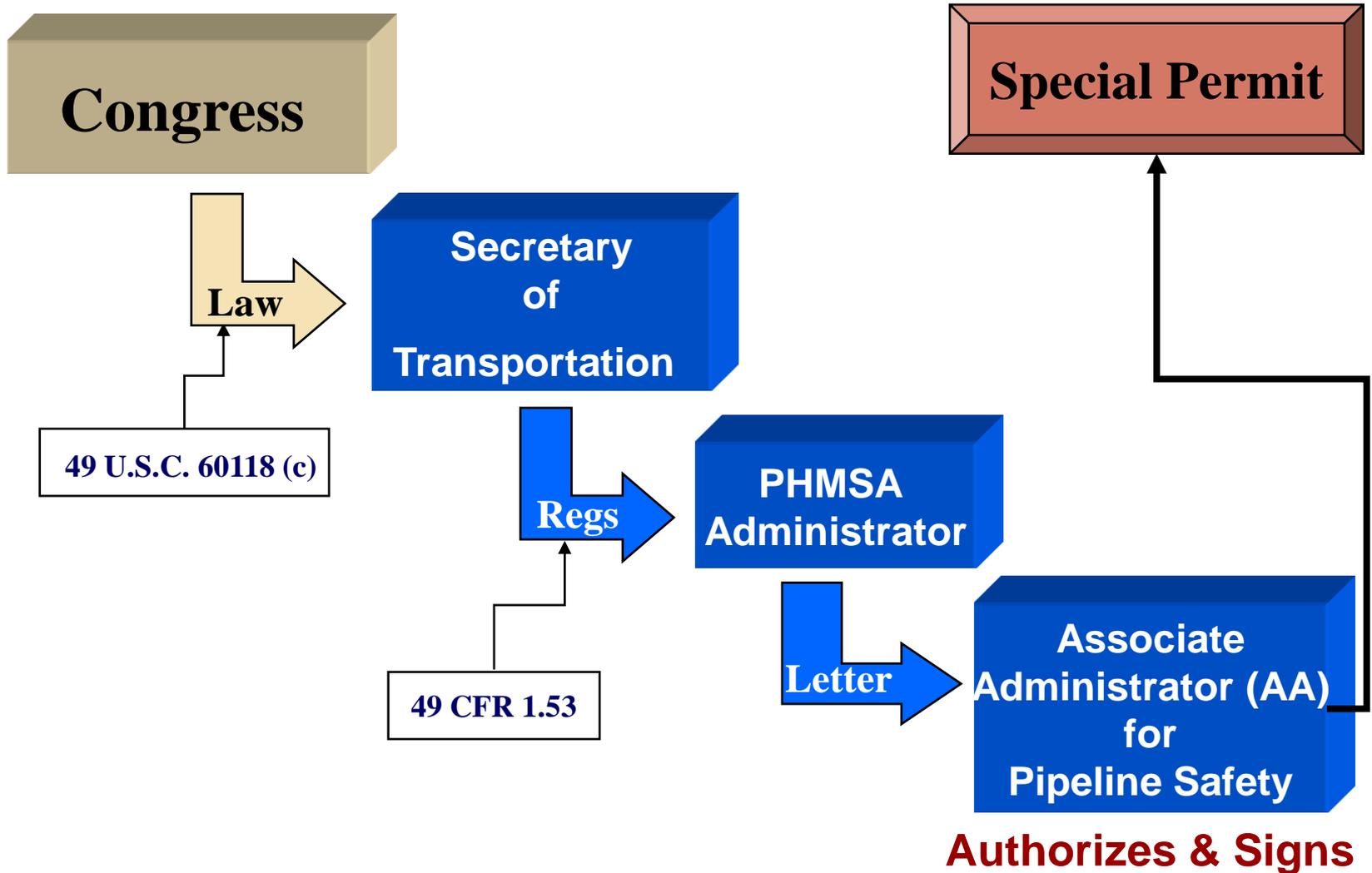
Waivers by Secretary - On application of a person owning or operating a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter on terms the Secretary considers appropriate, if the waiver is not inconsistent with pipeline safety. The Secretary shall state the reasons for granting a waiver under this subsection. The Secretary may act on a waiver only after notice and an opportunity for a hearing.

The Regulations - 49 CFR 1.53

Delegations to the Administrator of the Pipeline and Hazardous Materials Safety Administration. The Administrator of the Pipeline and Hazardous Materials Safety Administration is delegated authority for the following: (a) Pipelines. (1) Exercise the authority and carry out the functions vested in the Secretary by the Federal pipeline safety laws (49 U.S.C. 60101 et seq.).

Letter to Associate Administrator for Pipeline Safety

Special Permits



Special Permit Grants

How?

PHMSA may grant a Special Permit

- on terms the Secretary [i.e. AA for Pipeline Safety] considers appropriate,
- if it is not inconsistent with pipeline safety; and
- the Secretary must state the reasons for granting a Special Permit.

Special Permit Grants

PHMSA may grant a Special Permit

- on terms the AA for Pipeline Safety considers appropriate
- PHMSA is setting up a web site with example technical conditions and frequently asked questions

Each Special Permit must have

Conditions & Limitations

Special Permit Grants

PHMSA may grant a Special Permit

- if it is not inconsistent with pipeline safety

Each Special Permit must have

Equal or Greater Safety

Special Permit Grants

PHMSA may grant a Special Permit

- the AA for Pipeline Safety must state the reasons for granting a Special Permit.

Each Special Permit must have

SP Analysis & Findings

Special Permit Requests

How do I get a Special Permit?

49 CFR §190.341

Special Permit Requests

Jeff Wiese

Special Permit Request to - §190.341(b)

**Associate Administrator for Pipeline Safety
U.S. DOT/ PHMSA/ PHP- 01
1200 New Jersey Avenue, SE
Washington, DC 20590**

Copy to

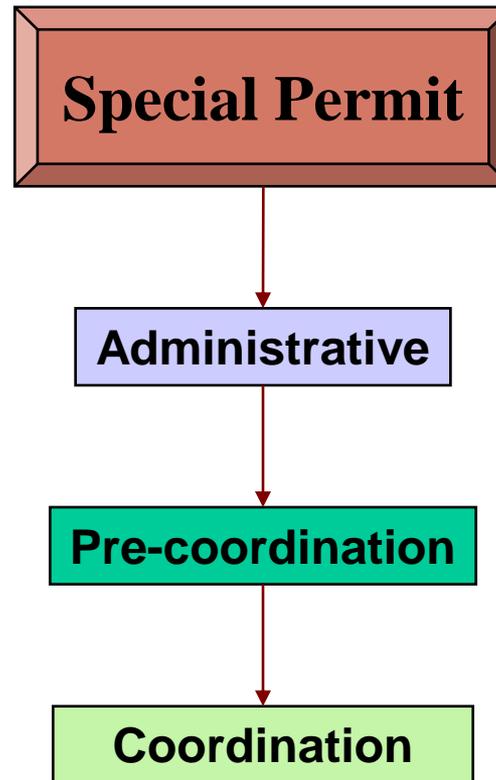
John Gale

**Office of Regulations
U.S. DOT/ PHMSA/ PHP- 30
1200 New Jersey Avenue, SE
Washington, DC 20590**

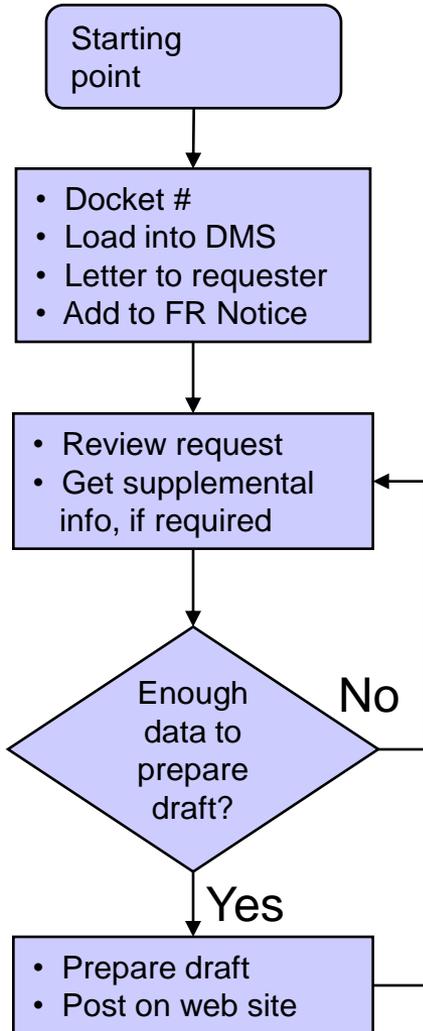
Email electronic copy to

john.gale@dot.gov

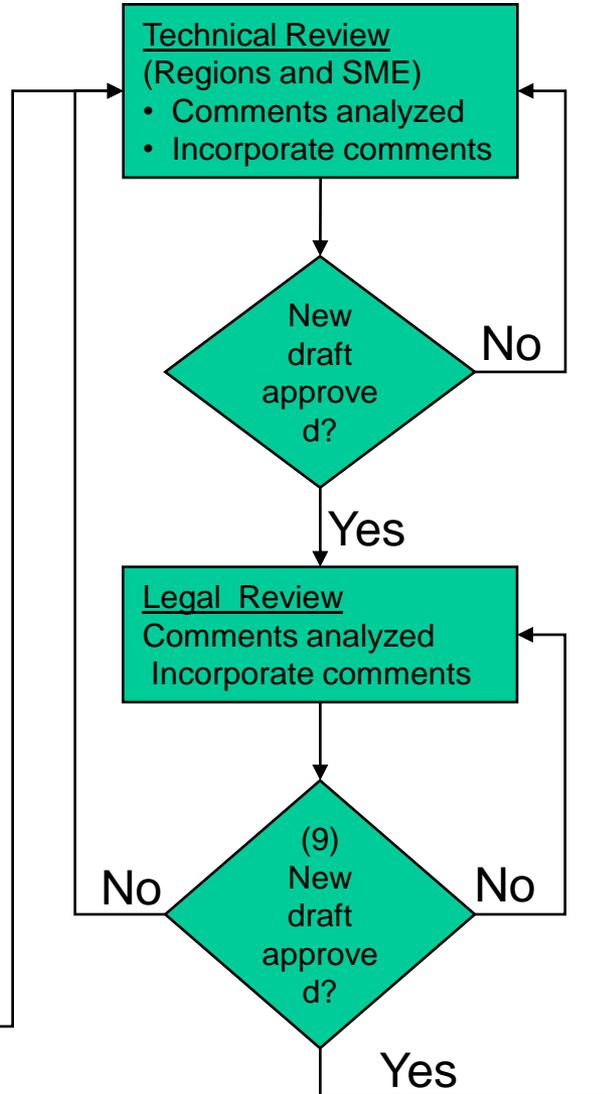
Special Permit Process



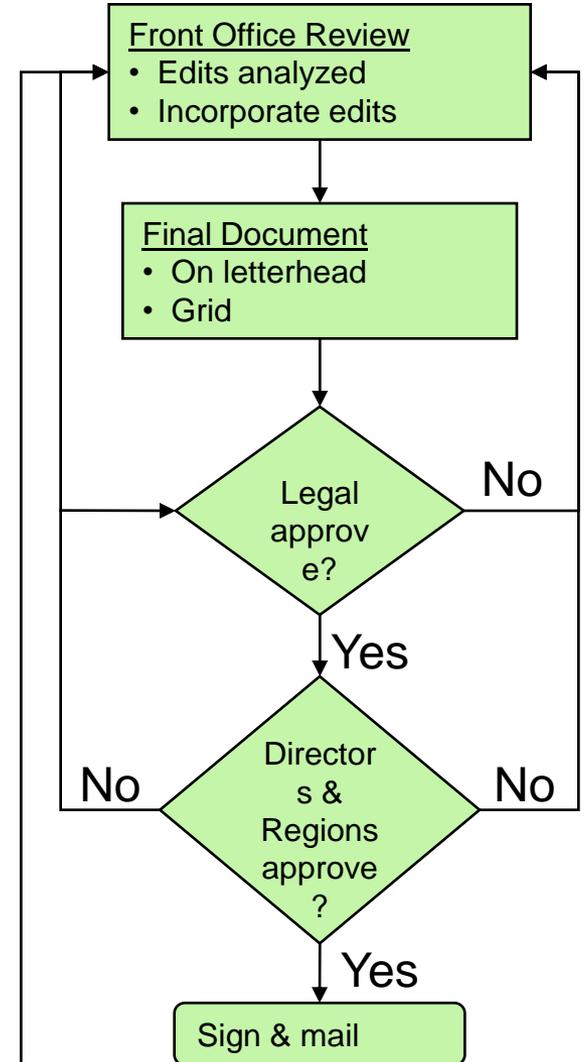
Special Permits



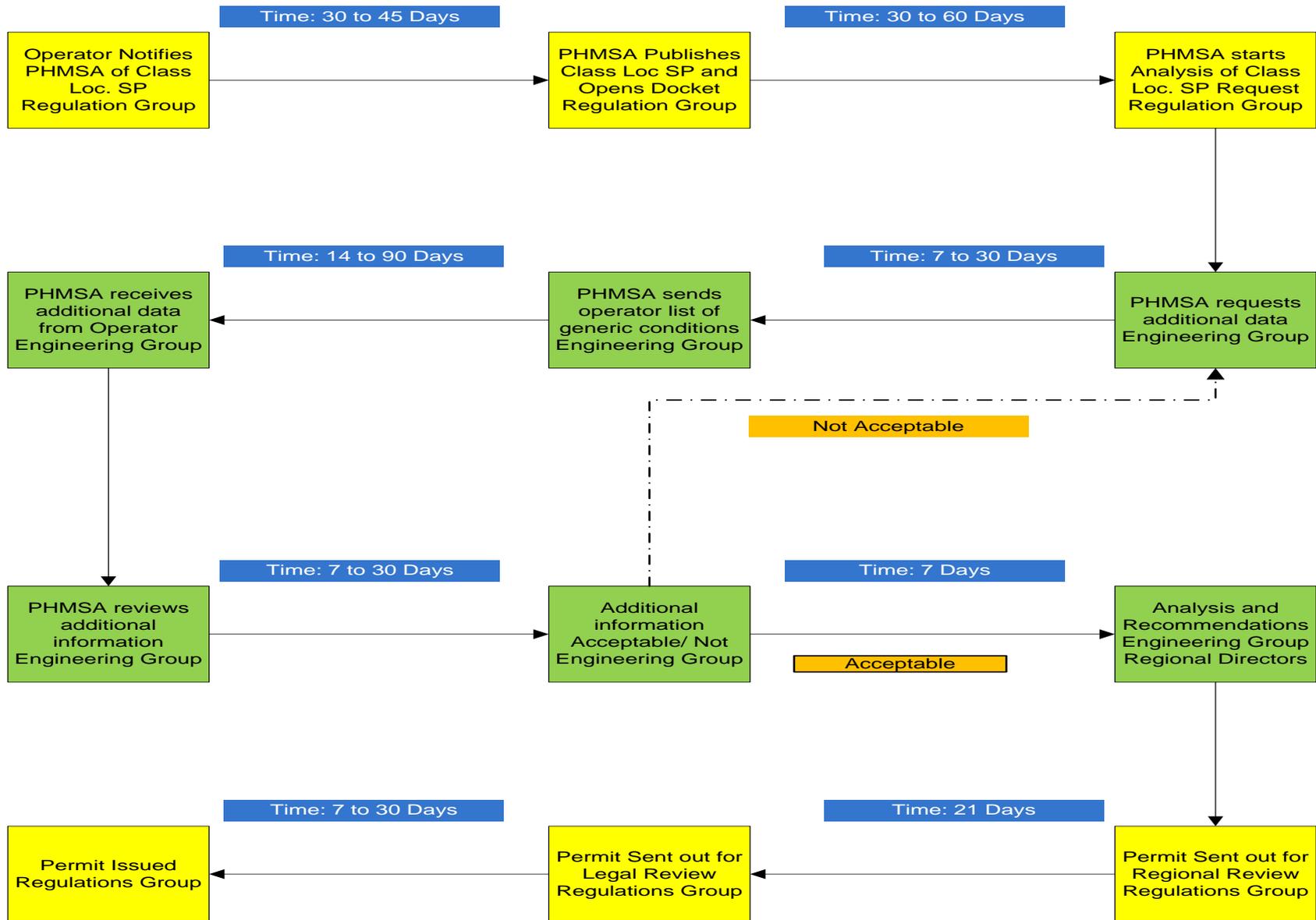
Pre-coordination



Coordination



Class Location Special Permit - timing



Environmental Requirements

- **National Environmental Policy Act (NEPA) seeks to protect the quality of the environment by requiring all Federal agencies to consider the potential environmental consequences of proposed “Federal actions” at an early stage in the planning process and to inform the public that they have considered environmental concerns in their decision-making processes.**
- **The Council on Environmental Quality (CEQ) issues regulations in accordance with NEPA under 40 CFR 1500-1508.**

Environmental Requirements

- **In accordance with NEPA and 40 CFR Parts 1500-1508, PHMSA must develop an Environmental Assessment to determine if Environmental Impact Statement is necessary**
- **49 CFR 190.341(e)(9) states that an applicant for a Special permit should submit any other information PHMSA may need to process the application including environmental analysis where necessary.**

Environmental Requirements

- When developing an EA PHMSA must answer the following questions:
 - Background of the action
 - Purpose of the action
 - Description of the Action
 - Alternatives Considered
 - Environmental Consequences
 - List of Agencies and Persons Consulted
- The more information that the applicant can provide to facilitate the answering of these questions the faster an application can be processed.

Class Location Special Permits

- **Matrix Criteria for Class Location Special Permits**
- **Federal Docket Management System (FDMS)**
 - **Go to: Regulations.gov**
 - **Enter: PHMSA-RSPA-2004-17401**
- **PHMSA web site - Special Permit folder is being developed for MAOP Rule and Class Location SP - will contain:**
 - **Frequently asked questions**
 - **Example special permit conditions**



QUESTIONS?