

March 1, 1993

Ms. Stephanie R. Meadows  
American Petroleum Institute  
1220 L Street, N.W.  
Washington, D.C. 20005

Dear Ms. Meadows:

I am writing in response to your telephone discussions with Stacey Gerard concerning the application of the recently published interim final rule on response plans for onshore oil pipelines (58 FR 244; January 5, 1993; adopting Part 194, Title 49, Code of Federal Regulations). In those conversations, you asked for an opinion of whether the new regulations, adopted to implement provisions of Title IV of the Oil Pollution Act of 1990 (OPA), apply to specific categories of pipelines.

Following are the pipeline categories in your inquiry and our response:

Pipelines used to carry extracted oil and gas from stripper wells to tank batteries.

Under Executive Order 12777, and delegations of authorities under that order from the Secretary of Transportation to the Administrator of the Research and Special Programs Administration (RSPA) (58 FR 6193; January 27, 1993), the requirements for spill response planning by operators of on-shore pipeline facilities (including the submission of plans to RSPA) only apply to transportation-related facilities. We have reviewed the application of Part 194 to pipeline used to carry extracted oil and gas from stripper wells to tank batteries, and have determined that Part 194 does not apply to those facilities because they are not transportation-related. This opinion is consistent with the terms of a Memorandum of Understanding between the Department of Transportation and the Environmental Protection Agency (EPA) (36 FR 24080; December 18, 1971), which was executed to assure effective implementation of the Federal Water Pollution Act (which the OPA amends). Under the terms of that Memorandum, we consider the lines at issue to be "non-transportation-related" facilities and not subject to the Department's regulations. You should note, however, that these lines may be subject to OPA requirements the EPA may adopt.

Natural gas gathering lines upstream from a processing unit that carry minimal amounts of condensate along with the gas.

Most gas gathering lines are connected to processing units where heavier hydrocarbons are removed from the gas and sold separately. The small amount of condensates in such lines could not reasonably be expected to cause substantial harm to the environment. Therefore, oil spill response plans covering these gas gathering lines would not be required to be filed by February 18, 1993.

Natural gas transmission lines downstream from a processing unit that may form a minimal amount of condensate in the transmission of the gas.

Downstream of a processing unit, the gas is in a condition fit for use by gas customers. Beyond the processing unit the gas generally is transported in a transmission line for delivery to a distribution center or storage facility. Natural gas, depending on the volume of gas transported and temperature differentials, will form small amounts of light hydrocarbons or condensates while being transported in the transmission pipelines because of the recurring compression and subsequent pressure drops. Condensates

so formed are not considered to cause substantial harm to the environment and oil spill response plans would not be required to be filed by February 18, 1993.

Hydrant distribution systems associated with airport fuel facilities

Part 194 does not apply to a hydrant distribution system which distributes fuel from a tank battery at an airport facility because the hydrant distribution system is a non-transportation-related facility as the term is used in the Memorandum of Understanding between the Department of Transportation and the EPA (36 FR 24080; December 18, 1971). While Part 194 does not apply to the hydrant distribution system, it may be subject to OPA requirements the EPA may adopt.

I trust this information is responsive to your request. If you have further questions about this or other matters, please let me know.

Sincerely,

George W. Tenley, Jr.  
Associate Administrator for  
Pipeline Safety