

**Research and  
Special Programs  
Administration**

May 8, 1995

Mr. Dennis Huddleston  
Vice President, Operations  
Bridgeline Gas Distribution LLC  
P.O. Box 60252  
New Orleans, LA 70160

Dear Mr. Huddleston:

I am responding to your letter of February 10, 1995 concerning two marine transfer lines, 2.8 miles long. These lines transport natural gasoline and butane between the storage tanks of a gas processing plant and a barge dock. You asked whether the Coast Guard has authority to require leak testing of the lines. In addition, you asked whether the Coast Guard's oil spill response plan regulations under the Oil Pollution Act of 1990 apply to the lines instead of 49 CFR Part 194, and whether the operation and maintenance requirements of 49 CFR Part 195 apply to the lines.

Because the Coast Guard has authority to regulate the safety of U.S. port activities, some of the Coast Guard's safety regulations may affect pipelines in port areas. However, I cannot speak definitively about the Coast Guard's authority to require leak testing of the two transfer lines. Perhaps the Coast Guard officials with whom you have been in contact can answer this question, or you may write the Coast Guard Commandant, 2100 Second Street, SW, Washington DC, 20593.

As for response plan regulations under the Oil Pollution Act of 1990, a secretarial delegation of authority gives the Research and Special Programs Administration exclusive responsibility for pipeline response plans, except for marine transfer lines associated with motor carrier or railroad transportation (1 CFR 1.53(k)(2)). Consequently, Part 194 rather than the Coast Guard's response plan regulations would apply to the two transfer lines.

Besides any Coast Guard safety requirements, the safety standards in 49 CFR Part 195, including operation and maintenance requirements in Subpart F, apply to the two marine transfer lines. In Louisiana, the Department of Natural Resources has authority to enforce Part 195 against intrastate hazardous liquid pipelines and to apply additional or more stringent safety regulations that are compatible with Part 195. Thus, the Coast Guard does not have exclusive jurisdiction over the two marine transfer lines.

Please let me know if I may be of any further assistance in this matter.

Sincerely,

Cesar DeLeon  
Deputy Associate Administrator  
for Pipeline Safety