

PI-03-0107

Mr. Mark J. Cartwright
DOT Compliance Coordinator Enterprise Products Operating L.P. P.O. Box 4324
Houston, TX 77210-4324

Dear Mr. Cartwright:

This is in response to your letter of September 2, 2003, in which you request an interpretation of "whether a pipeline operator is required under 49 CFR 195.54(b) to submit a Form 7000-1 for a release of a hazardous liquid in excess of 5 barrels when such a release occurs solely in connection with operator-controlled maintenance activity and is not connected with any pipeline failure or accident."

Section 195.54 requires hazardous liquid pipeline operators to report all accidents meeting the requirements of § 195.50 on DOT Form 7000-1. An accident is an event, usually of a negative nature, that takes place without one's foresight, expectation, or effective control. An accident report is required "for each failure of a pipeline system . . . in which there is a release of hazardous liquid . . ."

A failure of a pipeline system would include unintended releases during maintenance of a pipeline if the release meets the requirements of § 195.50. This section requires that a release of hazardous liquid from a pipeline must be reported if it results in:

- explosion or fire not intentionally set by the operator,
- death of any person,
- injury requiring hospitalization,
- estimated property damage exceeding \$50,000, OR
- release of 5 gallons or more, unless the release is less than 5 barrels and is — not otherwise reportable,
 - confined to company property or right-of-way, AND
 - cleaned up promptly.

If a release occurs during maintenance activities and is of a magnitude reasonably expected as a result of such maintenance, the release is NOT the result of a pipeline failure, and is therefore not reportable as an accident under § 195.54 if it is promptly cleaned up. Therefore, under the current regulations, a planned release of 5 barrels or more of hazardous liquid resulting from maintenance activity is not reportable, unless it meets one of the report ability criteria in § 195.50.

If you have any further questions about the pipeline safety regulations, please contact me at (202) 366-4565.

Sincerely,

Richard D. Huriaux, P.E. Manager, Regulations Office of Pipeline Safety

September 2, 2003

Ms. Stacey Gerard
Office of Pipeline Safety, Research and Special
Programs Administration, U.S. Department of Transportation,
400 Seventh Street, S.W., Rm. 7128
Washington D.C. 20590-0001

Dear Ms. Gerard,

This regards the proper scope of the obligation with respect to reporting of pipeline accidents and failures under 49 CFR Part 195. Enterprise Products Operating L.P. and its affiliates (EPOLP) operate over twelve thousand miles of hazardous liquids pipelines in the United States. During routine maintenance work, small quantities of hydrocarbon vapors are occasionally released to the atmosphere. Such releases take place under controlled conditions with the highest regard for safety and the environment. EPOLP reports these releases on Form 7000-1 any time the volume of hydrocarbons released exceeds 5 barrels, even when the release occurs under controlled conditions in connection with maintenance activities that are not "accidents" or "failures" as such terms are used in 49 CFR 195.50.

We recognize that reports of pipeline accidents and failures are essential to the pipeline safety program; however, we question whether reports of systematic maintenance releases of hazardous liquids provide useful information to the safety program. To the contrary, we suspect that maintenance-related reports may actually be detrimental in that they consume agency resources that could be directed toward reports relating to actual safety-related conditions. We feel the application of §195.50(b) is unclear in maintenance situations, and we wish to know if our reporting practices can or should be modified to better support the goals of the pipeline safety program.

In view of this ambiguity in the regulation, we are requesting clarification of Office of Pipeline Safety policy as to whether a pipeline operator is required under § 195.50(b) to submit a Form 7000-1 for a release of a hazardous liquid in excess of 5 barrels when such release occurs solely in connection with operator-controlled maintenance activity and is not connected with any pipeline failure or accident.

Thank you for your attention to this matter and if you have any questions please feel free to contact Joel Kohler at (225) 675-2507, jkohler@eprod.com, or Mark Cartwright at (713) 8038393, mcartwright@eprod.com.

Sincerely,
Mark I. Cartwright
DOT Compliance Coordinator