



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

OCT 06 2014

Mr. Greg Desmond
Senior Project Manager
Technical Response Planning Corp
1610 Woodstead, Suite 355
The Woodlands, TX 77380

Dear Mr. Desmond:

In an email to the Pipeline and Hazardous Materials Safety Administration (PHMSA) dated November 4, 2013, you asked for an interpretation of the five percent reduction offered for tertiary containment of breakout tanks when determining a worst case discharge.

Under Title 49 Code of Federal Regulations § 194.105, operators of onshore pipeline facilities may claim prevention credits for breakout tanks that contain oil. These credits correspond to secondary containment and other specific spill prevention measures. One of the other specific spill prevention measures is tertiary containment. Under § 194.105(b)(4), operators can claim a five percent credit for a tertiary containment system.

The definition of the word “tertiary” is in the place or position counted as number three. The main purpose of a tertiary containment system is to prevent the release of oils from breakout tanks to the environment in the event of a failure of both the primary and secondary containment systems. Thus, it is the number three or third line of protection. Additionally, it would be employed to contain leakage, a product release, and drainage.¹ In this case, it is intended to assure that the operator does not lose control of the petroleum product and drainage because of such an event. It also allows time for additional measures to be deployed if an incident escalates.

The tank, in these circumstances, would be the primary containment system, while a diked or remote impoundment would be the secondary. A remote or diked impoundment comprised of various combinations such as site drainage, sumps, diversion tanks, pits, ponding areas, lagoons, and/or impervious liners would be considered the tertiary containment.

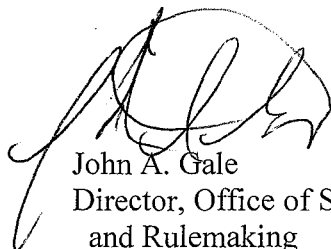
¹ Although NFPA 30 does not require the containment of fire-fighting water contaminated from oil, chemicals, foams and combustion sediments, etc., during a prolonged tank fire, this emergency condition should be considered in the design of containment systems.

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency's current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations do not create legally-enforceable rights or obligations and are provided to help the public understand how to comply with the regulations.

Therefore, PHMSA's interpretation of a tertiary containment system is an impoundment (a National Fire Protection Association's (NFPA) term) that is installed in accordance with NFPA 30 and is outside of a secondary containment that complies with 49 CFR 194.105(b).

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

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale", is written over a circular stamp or seal that is mostly obscured by the ink.

John A. Gale
Director, Office of Standards
and Rulemaking

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From: [Licari, Frank \(PHMSA\)](#)
To: [Asebe, Tewabe \(PHMSA\)](#)
Subject: FW: Tertiary containment/drainage/treatment per NFPA 30
Date: Thursday, April 10, 2014 4:34:45 PM

The interpretation is enclosed in this message & dated November 4, 2013.

From: Lehman, David (PHMSA)
Sent: Wednesday, April 09, 2014 10:19 AM
To: Gale, John (PHMSA)
Cc: Licari, Frank (PHMSA)
Subject: FW: Tertiary containment/drainage/treatment per NFPA 30

I've assigned Frank Licari as the SME to help develop a response.

From: Greg Desmond [<mailto:gdesmond@trpcorp.com>]
Sent: Monday, November 04, 2013 12:40 PM
To: Lehman, David (PHMSA); Barber, Melanie (PHMSA)
Subject: Tertiary containment/drainage/treatment per NFPA 30

Mr. Lehman,

I am writing for an interpretation of the 5% reduction offered for tertiary containment of breakout tanks. I have been unable to locate a definition of tertiary containment. Do you have one?

Thank you,

Greg Desmond
Senior Project Manager
Technical Response Planning Corp
1610 Woodstead Ste. 355
The Woodlands TX 77380
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(281) 955-0369 Fax