

## § 194.1

## 49 CFR Ch. I (10–1–11 Edition)

SOURCE: 58 FR 253, Jan. 5, 1993, unless otherwise noted.

### Subpart A—General

#### § 194.1 Purpose.

This part contains requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines.

#### § 194.3 Applicability.

This part applies to an operator of an onshore oil pipeline that, because of its location, could reasonably be expected to cause substantial harm, or significant and substantial harm to the environment by discharging oil into or on any navigable waters of the United States or adjoining shorelines.

#### § 194.5 Definitions.

*Adverse weather* means the weather conditions that the operator will consider when identifying response systems and equipment to be deployed in accordance with a response plan. Factors to consider include ice conditions, temperature ranges, weather-related visibility, significant wave height as specified in 33 CFR Part 154, Appendix C, Table 1, and currents within the areas in which those systems or equipment are intended to function.

*Barrel* means 42 United States gallons (159 liters) at 60 °Fahrenheit (15.6 °Celsius).

*Breakout tank* means a tank used to:

(1) Relieve surges in an oil pipeline system or

(2) Receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

*Contract or other approved means* is:

(1) A written contract or other legally binding agreement between the operator and a response contractor or other spill response organization identifying and ensuring the availability of the specified personnel and equipment within stipulated response times for a specified geographic area;

(2) Certification that specified equipment is owned or operated by the pipeline operator, and operator personnel and equipment are available within stipulated response times for a specified geographic area; or

(3) Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment to be available within stipulated response times for a specified geographic area.

*Environmentally sensitive area* means an area of environmental importance which is in or adjacent to navigable waters.

*High volume area* means an area which an oil pipeline having a nominal outside diameter of 20 inches (508 millimeters) or more crosses a major river or other navigable waters, which, because of the velocity of the river flow and vessel traffic on the river, would require a more rapid response in case of a worst case discharge or substantial threat of such a discharge. Appendix B to this part contains a list of some of the high volume areas in the United States.

*Line section* means a continuous run of pipe that is contained between adjacent pressure pump stations, between a pressure pump station and a terminal or breakout tank, between a pressure pump station and a block valve, or between adjacent block valves.

*Major river* means a river that, because of its velocity and vessel traffic, would require a more rapid response in case of a worst case discharge. For a list of rivers see “*Rolling Rivers, An Encyclopedia of America’s Rivers*,” Richard A. Bartlett, Editor, McGraw-Hill Book Company, 1984.

*Maximum extent practicable* means the limits of available technology and the practical and technical limits on a pipeline operator in planning the response resources required to provide the on-water recovery capability and the shoreline protection and cleanup capability to conduct response activities for a worst case discharge from a pipeline in adverse weather.

*Navigable waters* means the waters of the United States, including the territorial sea and such waters as lakes, rivers, streams; waters which are used for recreation; and waters from which fish or shellfish are taken and sold in interstate or foreign commerce.

*Oil* means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, vegetable oil, animal

oil, sludge, oil refuse, oil mixed with wastes other than dredged spoil.

*Oil spill removal organization* means an entity that provides response resources.

*On-Scene Coordinator (OSC)* means the federal official designated by the Administrator of the EPA or by the Commandant of the USCG to coordinate and direct federal response under subpart D of the National Contingency Plan (40 CFR part 300).

*Onshore oil pipeline facilities* means new and existing pipe, rights-of-way and any equipment, facility, or building used in the transportation of oil located in, on, or under, any land within the United States other than submerged land.

*Operator* means a person who owns or operates onshore oil pipeline facilities.

*Pipeline* means all parts of an onshore pipeline facility through which oil moves including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

*Qualified individual* means an English-speaking representative of an operator, located in the United States, available on a 24-hour basis, with full authority to: activate and contract with required oil spill removal organization(s); activate personnel and equipment maintained by the operator; act as liaison with the OSC; and obligate any funds required to carry out all required or directed oil response activities.

*Response activities* means the containment and removal of oil from the water and shorelines, the temporary storage and disposal of recovered oil, or the taking of other actions as necessary to minimize or mitigate damage to the environment.

*Response plan* means the operator's core plan and the response zone appendices for responding, to the maximum extent practicable, to a worse case discharge of oil, or the substantial threat of such a discharge.

*Response resources* means the personnel, equipment, supplies, and other resources necessary to conduct response activities.

*Response zone* means a geographic area either along a length of pipeline or including multiple pipelines, containing one or more adjacent line sections, for which the operator must plan for the deployment of, and provide, spill response capabilities. The size of the zone is determined by the operator after considering available capability, resources, and geographic characteristics.

*Specified minimum yield strength* means the minimum yield strength, expressed in pounds per square inch, prescribed by the specification under which the material is purchased from the manufacturer.

*Stress level* means the level of tangential or hoop stress, usually expressed as a percentage of specified minimum yield strength.

*Worst case discharge* means the largest foreseeable discharge of oil, including a discharge from fire or explosion, in adverse weather conditions. This volume will be determined by each pipeline operator for each response zone and is calculated according to § 194.105.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194-3, 63 FR 37505, July 13, 1998; Amdt. 194-4, 70 FR 8746, Feb. 23, 2005]

#### § 194.7 Operating restrictions and interim operating authorization.

(a) An operator of a pipeline for which a response plan is required under § 194.101, may not handle, store, or transport oil in that pipeline unless the operator has submitted a response plan meeting the requirements of this part.

(b) An operator must operate its onshore pipeline facilities in accordance with the applicable response plan.

(c) The operator of a pipeline line section described in § 194.103(c), may continue to operate the pipeline for two years after the date of submission of a response plan, pending approval or disapproval of that plan, only if the operator has submitted the certification required by § 194.119(e).

[Amdt. 194-4, 70 FR 8746, Feb. 23, 2005]