

FACT SHEET 19: RESPONSE PLANS FOR ONSHORE OIL PIPELINES – 49 CFR PART 194

APPLICABILITY

This regulation contains requirements for oil spill response plans designed to reduce the environmental impact of oil discharged from onshore oil pipelines. This requirement applies to an operator of an onshore oil pipeline that, due to 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. Each operator of an onshore pipeline facility shall prepare and submit a response plan to and submit it to the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Pipeline operators that meet the following exceptions are not subject to submitting a response plan:

1. A pipeline that is 6 5/8 inches (168 mm) or less in outside nominal diameter, is 10 miles (16 kilometers) or less in length, and all of the following conditions apply to the pipeline:
 - The pipeline has not experienced a release greater than 1,000 barrels (159 cubic meters) within the previous 5 years,
 - The pipeline has not experienced at least two reportable releases within the previous 5 years,
 - A pipeline containing any electric resistance welded pipe, manufactured prior to 1970, does not operate at a maximum operating pressure (corresponding to a stress level greater than 50 percent of the specified minimum yield strength of the pipe)
 - The pipeline is not in proximity to navigable waters, public drinking water intakes, or environmentally sensitive areas.
2. A line section that is greater than 6 5/8 inches (168 millimeters) in outside nominal diameter and is greater than 10 miles (16 kilometers) in length, where the operator determines that it is unlikely that the worst case discharge from any point on the line section would adversely affect, within 12 hours after the initiation of the discharge, any navigable waters, public drinking water intake, or environmentally sensitive areas.

3. A line section that is 6 5/8 inches (168 millimeters) or less in outside nominal diameter and is 10 miles (16 kilometers) or less in length, where the operator determines that it is unlikely that the worst case discharge from any point on the line section would adversely affect, within 4 hours after the initiation of the discharge, any navigable waters, public drinking water intake, or environmentally sensitive areas.

OPERATORS STATEMENT CONCERNING SIGNIFICANT AND SUBSTANTIAL HARM

Each oil pipeline operator is required to submit a statement with its response plan that identifies which line sections in a response zone can be expected to cause significant and substantial harm to the environment in the event of a discharge of oil into or on the navigable waters or adjoining shorelines.

WORST CASE DISCHARGES

Each oil pipeline operator is required to determine the volume of the worst case discharge for each of its response zones. Documentation is required to be maintained that provides the methodology, including calculations, used to arrive at the volume.

GENERAL RESPONSE PLAN REQUIREMENTS

Each response plan must include procedures and a list of resources for responding, to the maximum extent practicable, to a worst case discharge and to a substantial threat of such a discharge. The “substantial threat” term is equivalent to abnormal operations outlined the operations manual¹.

The oil pipeline operator must certify in the response plan that the National Contingency Plan (NCP) was reviewed and each applicable Area Contingency Plan (ACP) and that its response plan is consistent with the NCP and each applicable ACP as follows:

As a minimum to be consistent with the NCP a facility response plan must:

1. Demonstrate an operator's clear understanding of the function of the Federal response structure, including procedures to notify the National Response Center reflecting the relationship between the operator's response organization's role and the Federal On Scene Coordinator's role in pollution response;

¹ To comply with this requirement, an operator can incorporate by reference into the response plan the appropriate procedures from its manual for operations, maintenance, and emergencies.

2. Establish provisions to ensure the protection of safety at the response site
3. Identify the procedures to obtain any required Federal and State permissions for using alternative response strategies such as in-situ burning and dispersants as provided for in the applicable ACPs

As a minimum, to be consistent with the applicable ACP the plan must:

1. Address the removal of a worst case discharge and the mitigation or prevention of a substantial threat of a worst case discharge;
2. Identify environmentally and economically sensitive areas;
3. Describe the responsibilities of the operator and of Federal, State and local agencies in removing a discharge and in mitigating or preventing a substantial threat of a discharge
4. Establish the procedures for obtaining an expedited decision on use of dispersants or other chemicals.

CORE PLAN

Each response plan must include a core plan consisting of the following:

1. An information summary
2. Immediate notification procedures,
3. Spill detection and mitigation procedures,
4. The name, address, and telephone number of the oil spill response organization, if appropriate
5. Response activities and response resources,
6. Names and telephone numbers of Federal, State and local agencies which the operator expects to have pollution control responsibilities or who will provide support
7. Training procedures,
8. Equipment testing,

9. Drill program—an operator will satisfy the requirement for a drill program by following the National Preparedness for Response Exercise Program (PREP) guidelines. An operator choosing not to follow PREP guidelines must have a drill program that is equivalent to PREP. The operator must describe the drill program in the response plan and OPS will determine if the program is equivalent to PREP.
10. Plan review and update procedures;

RESPONSE ZONE APPENDICES

An appendix for each response zone that includes the information required above the worst case discharge calculations that are specific to that response zone. An operator submitting a response plan for a single response zone does not need to have a core plan and a response zone appendix. The operator of a single response zone onshore pipeline shall have a single summary in the plan that contains the required information.

RESPONSE MANAGEMENT SYSTEM

The response plan is required to include a description of the operator's response management system including the functional areas of finance, logistics, operations, planning, and command. This is the Incident Command System (ICS). The plan must demonstrate that the operator's response management system uses common terminology and has a manageable span of control, a clearly defined chain of command, and sufficient trained personnel to fill each position.

PLAN RETENTION

Each oil pipeline operator shall maintain relevant portions of its response plan at the operator's headquarters and at other locations from which response activities may be conducted, for example, in field offices, supervisors' vehicles, or spill response trailers.

INFORMATION SUMMARIES

The information summary for the core plan is required to include:

- The name and address of the operator

- The names or titles and 24-hour telephone numbers of the qualified individual and at least one alternate qualified individual

The information summary for the response zone appendix is required to must include:

- The information summary for the core plan
- The name and telephone number of the qualified individual available on a 24-hour basis
- The description of the response zone, including county and state, for those zone in which a worst case discharge could cause substantial harm to the environment
- A list of line sections for each pipeline contained in the response zone, identified by milepost or survey station number, or other operator designation
- The basis for the operator's determination of significant and substantial harm;
- The type of oil and volume of the worst case discharge

RESPONSE PLAN REVIEW AND UPDATE PROCEDURES

Each oil pipeline operator is required to update its response plan to address new or different operating conditions or information. Each operator is also required to review its response plan in full at least every 5 years from the date of the last submission or the last approval.