

## Draft Frequently Asked Questions (FAQs) on Hazardous Liquid Final Rule

Posted for Public Comment by the  
Pipeline and Hazardous Materials Safety Administration  
Office of Pipeline Safety

**Title: Draft “Frequently Asked Questions for the Final Rule titled, “Pipeline Safety: Safety of Hazardous Liquid Pipelines,” published on October 1, 2019”**

**Date: January 30, 2020**

### **Summary:**

This draft guidance is issued for owners and operators of hazardous liquid pipelines subject to the pipeline safety standards in 49 CFR Part 195. Those rules were amended on October 1, 2019, by the Final Rule entitled “Pipeline Safety: Safety of Hazardous Liquid Pipelines” (84 FR 52260). This draft guidance is being published for public comment. The draft guidance is not intended to replace or revise any previously issued guidance.

The document is intended to provide clarity to the public regarding existing pipeline safety standards. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way, but pipeline operators must comply with the underlying safety standards.

### **FAQ-1. What is the effective date for the new § 195.65 safety data sheets section?**

The requirement to submit safety data sheets on any spilled hazardous liquid is a self-executing provision of the PIPES Act of 2016. Accordingly, this requirement was effective on June 22, 2016, the date that the PIPES Act of 2016 was signed into law. PHMSA is amending the PSR by codifying the statutory language of this provisions.

### **FAQ-2. Must I perform inspections and assessments required by these new regulations on “idled” lines?**

Yes, Part 195 has no current operational designation for an “idle” line. Unless they are abandoned in accordance with applicable procedures, pipelines that are not currently in use must meet all the requirements of the Federal pipeline safety regulations. Because operators can restart “idle” lines and transport product later, it is important that operators maintain these lines to the same level of safety and standards as an active, in-service line. Accordingly, PHMSA expects operators of “idle” lines to perform assessments and adhere to all the applicable regulations based on the line’s location.

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### Assessments in Non-HCAs

**FAQ-3. Can I proceed with using other Technology without receiving a response from PHMSA under § 195.416(d)?**

No, an operator must receive a notice of “no objection” from PHMSA prior to implementing the “other technology” option under § 195.416(d).

**FAQ-4. Is “discovery” of a condition for non-HCAs (§ 195.416(f)) the same as for “could affect” HCAs (§ 195.452(h)(2))?**

Yes, operators of both HCA lines and non-HCA lines will have equal requirements for the “discovery” of conditions, which occurs when an operator has adequate information about a condition to determine that it presents a potential threat to the integrity of the pipeline. Under the regulation, an operator must promptly, but no later than 180 days after an integrity assessment, obtain sufficient information about a condition to make that determination, unless the operator can demonstrate that the 180-day period is impracticable.

**FAQ-5. Must I use the same procedures for conducting assessments and making repairs on anomalies discovered under assessments performed under the new regulation § 195.416 as I use for § 195.452?**

No, an operator is not required to use the same procedures and repair criteria as they use for anomalies discovered on sections of pipe that could affect an HCA and performed under § 195.452. An operator may opt to utilize the same criteria but are not required to do so. Any anomaly discovered following an assessment performed under § 195.454 must be repaired pursuant to the repair criteria developed for compliance with § 195.401(b)(1). Operators must comply with the other provisions in Part 195 in implementing the requirements in § 195.416. That includes having appropriate provisions for performing periodic assessments and any resulting repairs in an operator’s procedural manual (see § 195.402); adhering to the recordkeeping provisions for inspections, tests, and repairs (see § 195.404); and taking appropriate remedial action under § 195.401(b)(1).

**FAQ-6. For purposes of § 195.416(b), how often must assessments be performed for piggable non-gathering onshore line pipe not subject to IM requirements of § 195.452?**

Section 195.416(b) requires assessments to occur once every 10 calendar years from the year of the previous assessment or a shorter interval where necessary to ensure public safety or the protection of the environment. For example, an operator completing an assessment in calendar year 2021 must complete the next assessment no later than calendar year 2031.

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### Leak Detection

#### **FAQ-7. Do I need to have a computational pipeline monitoring (CPM) leak detection system over all of my pipelines?**

No. While all operators must have an effective system for detecting leaks as set forth in § 195.444, operators have the option to install a CPM leak detection system to comply with that requirement. PHMSA amended § 195.444 to require a means for detecting leaks on all portions of a hazardous liquid pipeline system, including non-HCA lines, and to require that operators perform an evaluation to determine what kinds of systems must be installed to adequately protect the public, property, and the environment. The factors that must be considered during that evaluation include (but are not limited to) the characteristics and history of the affected pipeline, the capabilities of available leak detection systems, and the location of emergency response personnel. However, where an operator selects the use of a CPM leak detection system, the system must comply with API 1130.

### Integrity Management

#### **FAQ-8. Do I have to redo my segment analysis under § 195.452(j)(2)?**

No, the change that PHMSA adopted does not automatically require operators to re-perform their segment analyses. Rather, it requires an operator to first identify the factors considered in their original analyses, determine whether those factors have changed, and consider whether any change would likely affect the results of the original segment identification. If so, the operator is required to perform a new segment analysis to validate or change the endpoints of the segments affected by the change.

#### **FAQ-9. If the endpoints of covered segments are revised during the annual verification of covered segments required by § 195.452(j)(2), does that mean a baseline assessment is now required for pipe previously not identified as covered by IM?**

No. Baseline assessments are required for new or conversion-to-service pipelines, or within five years of identifying areas around a pipeline that have changed and meet the definition of an HCA under § 195.450 [see § 195.452(d)(1) and (d)(2)]. When an operator reviews the factors used in the original segment identification and makes changes in the covered segment endpoints based on the new verification requirements of § 195.452(j)(2), this does not mean that a new HCA has been identified around the pipeline requiring baseline assessment within five years pursuant to the updated § 195.452(c) requirements for baseline assessment plans.

### Underwater Assessments

#### **FAQ-10. What is the effective date for the new § 195.454 Underwater Assessment section?**

The requirement to assess certain underwater hazardous liquid pipelines is a self-executing provision of the PIPES Act of 2016. Accordingly, this requirement was effective on June 22, 2016, the date that the PIPES Act of 2016 was signed into law. PHMSA is amending the PSR by codifying the statutory language of this provisions.

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### Extreme Weather and Natural Disasters

**FAQ-11. Is the operator required to inspect its facilities under § 195.414 following a heavy rain?**

No, extreme weather events would not include rain events that do not exceed the high-water banks of the rivers, streams or beaches in proximity to the pipeline; rain events that do not result in a landslide in the area of the pipeline; storms that do not produce winds at tropical storm or hurricane level velocities; or earthquakes that do not cause soil movement in the area of the pipeline.

**FAQ-12. Is the operator required to perform inspections under § 195.414 following every Extreme Weather event or Natural disaster?**

It depends. Under this requirement, an operator must inspect all potentially affected pipeline facilities following a hurricane, flood, landslide, earthquake, or other natural disaster that has the likelihood to damage infrastructure to detect conditions that could adversely affect the safe operation of the pipeline. The regulation also states the operator must consider the nature of the event and the physical characteristics, operating conditions, location, and prior history of the affected pipeline in determining whether the event necessitates an inspection as well as the appropriate method for performing the inspection. If the event creates a likelihood that there is damage to pipeline infrastructure, the operator must commence an inspection within 72 hours after the cessation of the event.