Transporting Hazardous Liquid or Carbon Dioxide in Non-Steel Pipelines: U.S. Pipeline and Hazardous Materials Safety Administration Statement of Policy Issued

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The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") issued on May 18th a document titled:

STATEMENT OF POLICY FOR TRANSPORTING HAZARDOUS LIQUID OR CARBON DIOXIDE IN NON-STEEL PIPELINES ("Policy").

PHMSA states that the purpose in issuing the Policy is to:

… clarify the agency's expected operational practices for complying with Federal pipeline safety regulations when transporting hazardous liquids or carbon dioxide in non-steel pipelines.

The terms "hazardous liquid" and "carbon dioxide" are defined in 49 CFR § 195.2, respectively, as:

- Petroleum, petroleum products, anhydrous ammonia, and ethanol or other non-petroleum fuel, including biofuel, which is flammable, toxic, or would be harmful to the environment if released in significant quantities.
- A fluid consisting of more than 90 percent carbon dioxide molecules compressed to a supercritical state.

PHMSA notes that the safety standards in 49 CFR § 195 generally apply to hazardous liquid and carbon dioxide in steel pipelines. Further, to transport hazardous liquid or carbon dioxide in a non-steel pipeline, an operator must comply with the requirements in section 195.8.

The Policy discusses:

- The originally adopted and subsequent rulemakings involving 195.8 regarding notification to the Administrator regarding transportation of hazardous liquid or carbon dioxide in a non-steel pipeline.
- The principles that PHMSA utilizes in evaluating notices submitted under 195.8.
- General criteria applied in evaluating whether transporting hazardous liquid or carbon dioxide in non-steel pipeline would be unduly hazardous.
- Specific criteria applied in evaluating whether transporting hazardous liquid or carbon dioxide in a pipeline constructed with a corrosion-resistant, non-steel material would be unduly hazardous.

- Recognition of industry standards that apply to pipelines constructed with non-steel materials (including a reference to those industry standards).
- Despite not being incorporated by reference into Part 195, recognition that pipelines designed, constructed, tested, operated, and maintained in accordance with the referenced industry standards can be safely used in hazardous liquid or carbon dioxide service.
- Discussing new policy for evaluating notices submitted under section 195.8 in which the Administrator will generally refrain from exercising his discretion to issue an order prohibiting the transportation of hazardous liquid or carbon dioxide in a non-steel pipeline, so long as the 90-day prior written notice submitted by the operator provides the information necessary to demonstrate that the pipeline will be designed, constructed, tested, operated, and maintained in accordance with recognized and generally accepted industry codes and standards.
- Identification of information that would be useful when PHMSA makes a determination on a 90-day prior notice.
- Reminder that the Policy does not relieve the owner/operator of a non-steel pipeline of the obligation to comply with the requirements in the Pipeline Safety Act or the Pipeline Safety Regulations.

A copy of the Policy can be found here.