Committee Meeting on the Effects of Diluted Bitumen on the Environment

Response and Regulations

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March 2015
Authorization

• Oil spill response plans are required of all oil handlers by the Federal Water Pollution Control Act (the Clean Water Act - CWA) as amended by the Oil Pollution Act of 1990

• Executive Order 12777 (1991) directed DOT / PHMSA to:
  – Promulgate regulations requiring onshore oil operators to submit plans
  – Review and approve (qualified) spill response plans for onshore oil pipelines
49 CFR Part 194 - Regulations for On-Shore Pipeline Operators

• Applicable to onshore oil pipeline operators

• A plan is not required if –
  – Pipelines has a diameter of 6 5/8” or less, 10 miles or less, and if certain conditions are met, or
  – Pipelines that are greater than 6 5/8” and more than 10 miles if it is unlikely that a worst case discharge from any point on the line would adversely affect, within 12 hours after initiation of the discharge, any navigable waters, public drinking intakes, or environmentally sensitive areas
  – See 49 CFR §194.101(b) for specific exceptions
What Must Be Included in Plans?

• Certification of consistency with National Contingency Plan and applicable area plans
• Demonstrate an understanding of the Federal response structure and relationship with the Federal On Scene Coordinator (FOSC)
• Identify Qualified Individuals with full authority to activate personnel and Oil Spill Response Organizations (OSRO), liaise with FOSC, and obligate funds to carry out response
• Determine of the volume and type of oil of a worst case discharge (WCD)
What Must Be Included in Plans (con’t)?

• Spill detection and mitigation procedures
• Immediate notification procedures
• Response activities and resources for responding to a WCD
• Contact information for OSROs and pollution control and support agencies
• Training and plan update procedures
• Drill program
Plan Reviews

• The CWA states that the approving official, “shall ... approve any plan that meets the requirements of 33 USC 1321”

• 49 CFR §194.119(d) states, “.... OPS will approve the response plan if OPS determines that the response plan meets all requirements of this part”

• Once PHMSA identifies each required element, PHMSA must approve the plan
PHMSA’s Oil Spill Response Program

• Coordinate activities with other Federal agencies
• Review oil spill response plans
  – Review plans for presence of required elements
  – Require amendments to any plan that does not meet requirements
  – Approve plans found to meet requirements
• Inspect and enforce 49 CFR Part 194
• Participate in drills and exercises
PHMSA’s Roles and Responsibilities Following an Oil Spill

• Protect people and the environment
  – Confirm operator and emergency responders are working together
  – Determine if there are immediate operator and/or national safety implications (i.e., issue Corrective Action Order and/or Safety Order)
  – Ensure compliance with regulations (i.e., gather evidence/enforcement)

• Conduct and support pipeline accident investigations

• Support the FOSC and Incident Command/Unified Command (IC/UC)
  – Provide Facility Response Plan to FOSC
  – Liaison to IC/UC and Joint Information Center
  – Engineering and technical support for Operations and Planning
Questions?

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