

§ 194.103

49 CFR Ch. I (10–1–07 Edition)

initiation of the discharge, any navigable waters, public drinking water intake, or environmentally sensitive areas.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–3, 63 FR 37505, July 13, 1998; Amdt. 194–4, 70 FR 8747, Feb. 23, 2005; 70 FR 11140, Mar. 8, 2005]

§ 194.103 Significant and substantial harm; operator’s statement.

(a) Each operator shall submit a statement with its response plan, as required by §§194.107 and 194.113, identifying 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.

(b) If an operator expects a line section in a response zone to cause significant and substantial harm, then the entire response zone must, for the purpose of response plan review and approval, be treated as if it is expected to cause significant and substantial harm. However, an operator will not have to submit separate plans for each line section.

(c) A line section 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 if; the pipeline is greater than 6½ inches (168 millimeters) in outside nominal diameter, greater than 10 miles (16 kilometers) in length, and the line section—

(1) Has experienced a release greater than 1,000 barrels (159 cubic meters) within the previous five years,

(2) Has experienced two or more reportable releases, as defined in §195.50, within the previous five years,

(3) Containing any electric resistance welded pipe, manufactured prior to 1970, operates at a maximum operating pressure established under §195.406 that corresponds to a stress level greater than 50 percent of the specified minimum yield strength of the pipe,

(4) Is located within a 5 mile (8 kilometer) radius of potentially affected

public drinking water intakes and could reasonably be expected to reach public drinking water intakes, or

(5) Is located within a 1 mile (1.6 kilometer) radius of potentially affected environmentally sensitive areas, and could reasonably be expected to reach these areas.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–3, 63 FR 37505, July 13, 1998]

§ 194.105 Worst case discharge.

(a) Each operator shall determine the worst case discharge for each of its response zones and provide the methodology, including calculations, used to arrive at the volume.

(b) The worst case discharge is the largest volume, in barrels (cubic meters), of the following:

(1) The pipeline’s maximum release time in hours, plus the maximum shutdown response time in hours (based on historic discharge data or in the absence of such historic data, the operator’s best estimate), multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum daily capacity of the pipeline), plus the largest line drainage volume after shutdown of the line section(s) in the response zone expressed in barrels (cubic meters); or

(2) The largest foreseeable discharge for the line section(s) within a response zone, expressed in barrels (cubic meters), based on the maximum historic discharge, if one exists, adjusted for any subsequent corrective or preventive action taken; or

(3) If the response zone contains one or more breakout tanks, the capacity of the single largest tank or battery of tanks within a single secondary containment system, adjusted for the capacity or size of the secondary containment system, expressed in barrels (cubic meters).

(4) Operators may claim prevention credits for breakout tank secondary containment and other specific spill prevention measures as follows:

Prevention measure	Standard	Credit (percent)
Secondary containment > 100%	NFPA 30	50