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Docket No. EPA-HQ-OLEM-2022-0174

October 31, 2022

U.S. Environmental Protection Agency.
EPA Docket Center
Mailcode 28221T
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Re: AGA Comments on EPA Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention, Proposed Rule, 87 Fed. Reg. 53556 (August 31, 2022)

The American Gas Association (“AGA”) appreciates the opportunity to comment on the U.S. Environmental Protection Agency’s (“EPA”) proposal to amend its Accidental Release Prevention Requirements; Risk Management Program (RMP) Regulations as captioned above (“Proposed Rule”).

AGA, founded in 1918, represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 77 million residential, commercial, and industrial natural gas customers in the U.S., of which 95 percent — more than 73 million customers — receive their gas from AGA members. AGA is an advocate for natural gas utility companies and their customers and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international natural gas companies, and industry associates. Today, natural gas meets more than one third of the United States' energy needs.¹

AGA is a trade association member of the Utility Solid Waste Activities Group (USWAG), and we support the comments USWAG has filed in this docket for the reasons stated therein.

¹ For more information, please visit www.aga.org.

AGA Comments on Preamble Heading “12. Other Areas of Technical Clarification” – Stationary Source Definition and Exclusion of “Transportation” and “Storage Incident to Transportation”

AGA files this additional comment letter to highlight our support for EPA’s proposal to continue to exclude from the 40 C.F.R. 68.3 definition of “stationary source” facilities and equipment used in “transportation and storage incident to transportation” subject to the pipeline safety regulations under 49 C.F.R. Parts 192, 193, or 195, or a State natural gas or hazardous liquid program for which the State has a DOT certification. EPA has long excluded such transportation-related operations from its stationary source chemical accident RMP regulations to avoid duplication of the existing, robust DOT regulations for preventing transportation-related accidents. Specifically, AGA supports EPA’s proposal to retain the following exclusion from the definition of “stationary source” –

“Transportation includes, but is not limited to, transportation subject to oversight or regulation under 49 CFR part 192, 193, or 195, or a State natural gas or hazardous liquid program for which the State has in effect a certification to DOT under 49 U.S.C. 60105.”

This exclusion encompasses natural gas transmission and local distribution pipelines and appurtenances thereto. It also includes natural gas underground storage facilities (which store natural gas in salt caverns or depleted reservoirs), propane peak shaving facilities and liquefied natural gas (LNG) peak shaving storage facilities connected to pipelines for the transportation via pipeline of natural gas and propane. Local gas utilities use such underground natural gas storage caverns and peak shaving facilities to temporarily store natural gas and propane that the utilities obtain during periods of low energy demand (typically spring or fall) when the commodity is less costly. The gas utility then draws out this lower-cost supply and injects it into the pipeline for transportation and delivery during periods of peak energy demand. This is essential for energy transportation reliability and affordability, especially during the winter peak heating season.

DOT’s Pipeline and Hazardous Safety Administration (PHMSA) regulations under 49 CFR parts 192, 193 and 195 provide robust oversight and regulatory requirements for accident prevention. This regulatory division of labor between EPA and DOT PHMSA has worked well for many years, and EPA has not indicated any intention to change the long-standing scope of the 49

CFR transportation exclusion, nor has EPA provided any rationale in the notice of proposed rulemaking to begin duplicative incident prevention regulation of pipeline transportation systems.

AGA does have one concern with a proposed revision to 49 CFR 192.3 regarding “containers” and the exclusion of “storage incident to transportation.” EPA has proposed to insert the following: “*A transportation container is in storage incident to transportation as long as it is attached to the motive power that delivered it to the site (e.g., a truck or locomotive);...*” This appears to assume that the only type of transportation is by vehicle to a site rather than also by pipeline from a site. EPA should clarify that storage facilities and storage containers connected to pipeline systems or other transportation facilities subject to regulation under 49 CFR parts 192, 193 or 195 are transportation or storage incident to transportation excluded from the definition of “stationary source” within the meaning of 40 CFR 68.3.

AGA appreciates the opportunity to comment. If you have any questions, please contact me or my colleague Tim Parr, AGA Deputy General Counsel, at tparr@aga.org.

Respectfully Submitted,



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