



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 10 2015

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Maureen Geary Krowicki  
Counsel to National Fuel  
National Fuel Gas Distribution Corporation  
P.O. Box 2081  
Erie, Pennsylvania 16512

Dear Ms. Krowicki:

By this letter, the Office of Resource Conservation and Recovery (ORCR) of the U.S. Environmental Protection Agency (EPA) grants approval to National Fuel Gas Distribution Corporation (NFGDC) to use alternative sampling site selection procedures for the purpose of removal and abandonment of natural gas pipelines that differs from the methodology specified in 40 CFR 761.247 and 761.60(b)(5), contingent on the terms and conditions specified in the enclosed approval. This approval is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA) of 1976 (Public Law 94-469) and the Federal PCB Regulations, 40 CFR 761.61(c). This approval is applicable on a nationwide basis, because NFGDC will use these alternative sampling procedures in more than one EPA Region. The approval is effective upon the EPA's signature and, unless specified otherwise in Condition 9, expires five years from the aforementioned signature date.

40 CFR part 761 subpart M specifies the requirements for determining PCB concentrations of natural gas pipelines that will either be abandoned or removed for disposal. According to 40 CFR part 761 subpart M, when sampling a contiguous pipeline for removal, a sample must be taken every ½ mile, for a minimum of seven samples. When sampling a contiguous pipeline for abandonment, at a minimum a sample must be taken from all ends of all pipeline sections. Collectively, the regulations contemplate the contiguous pipeline being replaced as either being removed or abandoned, not a combination of both. This approval allows NFGDC to treat contiguous pipelines being replaced as one pipeline for purposes of sampling under 40 CFR 761.247 even though parts of the pipeline section will be abandoned and some parts will be removed.

It is EPA's conclusion that NFGDC's use of the alternative sampling site selection procedure specified in this approval will not present an unreasonable risk of injury to health or the environment because the resulting number of samples will be no less than the number of samples that would otherwise be required by 40 CFR 761.247(b) for the pipelines being removed or by 40 CFR 761.250(b) for the pipelines being abandoned.

This approval only covers the sampling site selection criteria requirements for removal or abandonment of gas pipelines; NFGDC has stated they will follow all other applicable self-implementing requirements pursuant to the removal or abandonment requirements in 40 CFR 761.60(b)(5), which do not require approval from the EPA. Modification, revocation, or suspension of this approval may also result from future EPA rulemaking(s) with respect to PCBs or from new information gathered by NFGDC and/or

the EPA at a demonstration site or during subsequent jobs at other sites. A violation of any requirement of this approval or any applicable federal regulations may subject NFGDC to enforcement action and may be grounds for modification, revocation, or suspension of this approval.

Please contact Karen Swetland of my staff at (703) 308-8421 if you have any questions regarding these approvals.

Sincerely,

A handwritten signature in black ink that reads "Barnes Johnson". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Barnes Johnson, Director  
Office of Resource Conservation and Recovery

Cc: EPA Regional PCB Coordinators

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF	)	APPROVAL FOR USE OF
	)	
NATIONAL FUEL GAS	)	ALTERNATIVE SAMPLING SITE
DISTRIBUTION CORPORATION	)	
	)	SELECTION CRITERIA FOR
P.O BOX 2081	)	
	)	POLYCHLORINATED BIPHENYLS
ERIE, PA 16512	)	
	)	(PCBs)

AUTHORITY

This approval is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976 (TSCA), Public Law No. 94-469, and the Federal Polychlorinated Biphenyl (PCB) Regulations at 40 CFR 761.61(c). Background information on the sampling procedures in this approval are included in the Appendix.

National Fuel Gas Distribution Corporation (NFGDC) of Erie, Pennsylvania, an interstate transporter of natural gas and a subsidiary of National Fuel Gas Corporation, plans to remove several miles of pipeline. NFGDC would like to abandon (in place) the pipeline sections located beneath roads and highways so that the roadway would not have to be disrupted by removing the pipeline. 40 CFR part 761 subpart M specifies the requirements for determining PCB concentrations for purposes of abandonment or removal for disposal of natural gas pipelines. This approval allows NFGDC to treat contiguous pipelines as one pipeline for purposes of sampling under 40 CFR 761.247 even though parts of the pipeline will be abandoned and some parts will be removed.

It is EPA’s conclusion that NFGDC’s use of the alternative sampling site selection procedure specified in this approval will not present an unreasonable risk of injury to health or the environment because the resulting number of samples will be no less than the number of samples that would otherwise be required by 40 CFR 761.247(b) for the pipelines being removed or by 40 CFR 761.250(b) for the pipelines being abandoned.

Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D. A violation of the regulations is a prohibited act under Section 15 of TSCA.

EFFECTIVE DATE

This approval is effective upon signature by the Director of the Office of Resource Conservation and Recovery (ORCR) and shall expire five (5) years from the date of signature unless otherwise specified in Condition 9.

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### DEFINITIONS AND ACRONYMS

Definitions found in 40 CFR 761.3 apply unless otherwise noted below.

“Application” means all data and materials submitted to EPA by NFGDC to define, represent, or describe proposed sampling site selection criteria. These data and materials are encompassed in NFGDC’s “Alternate Sampling Approval Application” dated June 16, 2014.

“Approval” means the content of this document, the conditions within, and the application.

“Calendar year” or “year” means any 365 consecutive days except in the occurrence of a leap year, which contains 366 days. The calendar year does not necessarily begin on January 1st.

“Contiguous pipeline” means a length of pipeline that consists of only pipe segments/sections to be removed for disposal and/or abandoned. “Contiguous pipelines” do not encompass active sections of the natural gas pipelines.

“Day” means a calendar day, unless otherwise specified.

“Director of ORCR” means the Director of the Office of Resource Conservation and Recovery (ORCR), Office of Solid Waste and Emergency Response (OSWER), U.S. EPA, Washington, DC. Phone Number: 703-308-8895. Mailing address: USEPA Headquarters, 1200 Pennsylvania Avenue, N. W., OSWER/ORCR, Mail Code: 5303P, Washington, DC 20460

“Operations” means the sampling process to determine PCB concentrations for purposes of abandonment or removal for disposal of natural gas pipelines that may be contaminated with PCBs.

“ORCR” means the Office of Resource Conservation and Recovery, which is an office within EPA’s Office of Solid Waste and Emergency Response (OSWER).

“PCB Regulations” are the regulations at 40 CFR part 761.

“Pipe segment,” as specified in 40 CFR 761.240(b), means a length of natural gas pipe that has been removed from the pipeline system to be disposed of or reused, and that is usually approximately 12.2 meters (40 feet) or shorter in length. Pipe segments are usually linear.

“Pipeline section,” as specified in 40 CFR 761.240(c), means a length of natural gas pipe that has been cut or otherwise separated from the active pipeline, usually for purposes of abandonment, and that is usually longer than 12.2 meters in length. Pipeline sections may be branched.

## BACKGROUND

National Fuel Gas Distribution Corporation (NFGDC) of Erie, Pennsylvania, an interstate transporter of natural gas and a subsidiary of National Fuel Gas Corporation, plans to remove several miles of pipeline, however several sections lie beneath roads or highways. NFGDC would like to abandon (in place) the pipeline sections located beneath roads and highways so that the roadway would not have to be disrupted by removing the pipeline.

40 CFR part 761 subpart M specifies separate requirements for determining PCB surface concentrations of natural gas pipelines for purposes of abandonment or for purposes of removal for disposal. According to 40 CFR part 761 subpart M, when sampling a contiguous pipeline for removal a sample must be taken every ½ mile, for a minimum of seven samples. When sampling a contiguous pipeline for abandonment, at a minimum a sample must be taken from all ends of all pipeline sections. Collectively, the regulations contemplate the contiguous pipeline being replaced as either being removed or abandoned, not a combination of both. This approval allows NFGDC to treat contiguous pipelines as one pipeline for purposes of sampling under 40 CFR 761.247 even though parts of the pipeline section will be abandoned under the conditions of the approval. The removal or abandonment process itself does not require an approval from the EPA when the self-implementing requirements in 40 CFR part 761 subpart M are followed, however, pursuant to 40 CFR 761.61(c), a person may request the EPA for approval to conduct alternative sampling procedures.

The EPA received an application dated June 16, 2014, from NFGDC requesting a risk-based approval pursuant to 40 CFR 761.61(c), to allow NFGDC to sample the contiguous pipeline in a manner other than what is prescribed in subpart M. Specifically, NFGDC requests to sample as one contiguous pipeline to be removed with additional sample points at all ends of all sections to be abandoned. The EPA finds that the sampling site selection methodology described in this approval does not present an unreasonable risk of injury to health or the environment when conducted pursuant to the conditions specified in this approval. This is because the sampling method described in this approval (1) would not result in fewer wipe samples than otherwise would have been required by 40 CFR 761.247(b) if the contiguous pipeline was completely removed for disposal; (2) requires NFGDC to sample all ends of all pipeline sections to be abandoned in place, as required by 40 CFR 761.250(b); and (3) limits abandoned pipeline sections to less than ½ mile in length.

## CONDITIONS OF APPROVAL

- (1) Scope of Approval

In accordance with 40 CFR 761.61(c), this approval authorizes NFGDC to use alternative sampling site selection criteria in lieu of the criteria required under 40 CFR part 761 subpart M and 40 CFR 761.60(b)(5). This approval will allow NFGDC to follow sampling requirements outlined in this approval such that pipeline intended for removal and/or abandonment may be sampled as if it were one contiguous pipeline rather than several smaller non-contiguous pipelines.

This approval is solely for the purpose of alternative sampling site selection for contiguous natural gas pipelines destined for removal and abandonment. The removal and abandonment activities that NFGDC will be conducting after the sampling site selection will be completed in accordance with the self-implementing procedures under 40 CFR 761.60(b)(5) and do not require approval from the EPA. NFGDC shall comply with all other applicable requirements of the federal regulations.

(2) Sampling Requirements

This approval permits NFGDC to use alternative sampling site selection criteria specified below for determining PCB concentrations of natural gas pipelines that contain a combination of pipe segments to be removed for disposal and pipeline sections to be abandoned in lieu of the sampling site selection requirements specified in 40 CFR part 761 subpart M and 40 CFR 761.60(b)(5). The contiguous pipeline shall be cut or separated from an active pipeline. See the Appendix for an illustration.

- a. Sections to be abandoned within the contiguous pipeline must be less than ½ mile in length. Other than this, all other provisions of 40 CFR 761.250 apply to sections to be abandoned, including that “[a]t a minimum, sample all ends of all pipeline sections to be abandoned in place.”
- b. When determining the sample sites for the pipe segments to be removed for disposal, consider the pipeline one contiguous pipeline rather than several smaller pipelines interrupted by sections to be abandoned.
- c. The first sample will be located at the upstream end of the entire contiguous pipeline. All sample points along the entire contiguous pipeline shall be within ½ mile of the next upstream and downstream sampling points.
- d. When the total length of the contiguous pipeline is equal to or less than three (3) miles, a total of seven samples shall be taken for the segments to be removed. These seven samples are in addition to the samples taken from the sections to be abandoned. Sample site selection for segments to be removed should otherwise follow 40 CFR 761.247(b)(2)(ii). If a pipeline section to be abandoned exists at the prescribed sampling point, sample the segment to be removed immediately before the abandoned section.
- e. When the total length of the contiguous pipeline is more than three (3) miles then sample each segment that is ½ mile distant from the segment previously sampled for a minimum of seven samples. Intervening pipeline sections to be abandoned must be included when calculating ½ mile distances between segments to be removed. When an intervening pipeline section to be abandoned exists at the ½ mile point from the

previously sampled segment, use the sample at the upstream end of the abandoned section prescribed in step b to begin measuring the next ½ mile, as shown in the Appendix.

(3) Recordkeeping and Reporting Requirements

During the sampling conducted under this approval, NFGDC shall maintain at their corporate office a copy of this approval, analytical procedure descriptions, and the results/data used to determine the regulatory status of the sampled pipe as specified in 40 CFR 761.257. Personnel training records shall be kept at the sampling site and at the corporate office. Upon expiration of this approval, or if NFGDC terminates business, NFGDC shall electronically submit the analytical procedure descriptions and the results/data used to determine the regulatory status of the sampled pipe to the Director of ORCR within 90 days of expiration of approval or termination of business, whichever comes first.

(4) Notifications and Reports

Required notifications or reports may be either mailed to the Director of ORCR at the address listed in the Definitions and Acronyms section or electronically submitted by email to an authorized EPA representative at ORCRpcbs@epa.gov.

(5) Agency Approvals/Permits

No operation may commence until NFGDC has obtained all required approvals/permits from federal, state, and local agencies. NFGDC is responsible for obtaining such approvals/permits.

(6) Personnel Training

NFGDC shall ensure that personnel directly involved with the sampling of natural gas pipelines covered by this approval are familiar with the requirements of this approval. The training materials shall be kept on site in a location accessible to all personnel during working hours. Personnel should be formally trained every twelve months. At a minimum, NFGDC must train personnel on the following:

- a) Types of natural gas pipelines NFGDC manages, NFGDC removal and abandonment process (in compliance with 40 CFR part 761 subpart M and 40 CFR 761.60(b)(5)), and sampling site selection procedure as stated in this approval;
- b) The recordkeeping, notification, and reporting requirements identified in Condition 3, and the location of records and retention times;
- c) The handling and/or PCB waste disposal requirements for process residuals and other materials generated during the sampling, removal, or abandonment procedures;



- d) The safety, operating, and maintenance procedures, with an emphasis on the safe handling of PCB remediation wastes and natural gas condensate; and
- e) The spill prevention and cleanup plan including the requirements set forth in the PCB Spill Cleanup Policy in 40 CFR 761 subpart G.

(7) Ownership Transfer

This approval may not be transferred to a new owner until: (1) a request to modify this approval and transfer ownership is submitted to the Director of ORCR; and (2) the Director of ORCR has approved such ownership transfer request. The date of transfer of this approval shall be the date the Director of ORCR provides written approval of the transfer. The transferee shall not operate pursuant to this approval unless the EPA has amended this approval to reflect the new ownership. The approval may include additional/revised approval requirements that may be deemed necessary to apply to the new owner.

(8) Approval Expiration Date

This approval shall become effective upon signature of the Director of ORCR and expire five (5) years from the date the approval becomes effective except as otherwise specified below.

(9) Approval Renewal

If NFGDC intends to continue to operate beyond the expiration date of this approval, NFGDC shall submit a complete approval renewal application request. If NFGDC submits this information to the EPA at least 180 days prior to the expiration date of this approval, this approval continues in force (i.e., does not expire) until the EPA either issues an approval renewal, a conditional approval renewal, or an approval request denial. NFGDC will not be allowed to operate under revised operating conditions until the EPA issues NFGDC a fully renewed, and revised, operating approval. If NFGDC does not submit a complete approval renewal application request to the EPA at least 180 days prior to the expiration date of this approval, this approval will expire as specified in Condition 8.

A complete approval renewal application is considered to be, at a minimum, information that was submitted in previous requests for approvals with appropriate modifications or updates based on proposed revisions to the original approval, which may include operation changes, and revised operating and testing procedures. It will also include analytical procedure descriptions, and the results/data used to determine the regulatory status of sampled pipe specified in 40 CFR 761.257.

DECISION TO APPROVE NFGDC'S REQUEST TO USE ALTERNATIVE SAMPLING SITE SELECTION CRITERIA

1. Approval to use alternative sampling site selection criteria for natural gas pipelines is hereby granted to National Fuel Gas Distribution Corporation (NFGDC) of Erie, Pennsylvania, subject to the conditions expressed in this approval, and consistent with the information included in NFGDC's application.
2. The EPA finds that the alternative sampling site selection criteria described in this approval do not present an unreasonable risk of injury to health or the environment because the criteria would not result in fewer wipe samples than otherwise required by 40 CFR 761.247(b) if the entire contiguous pipeline was removed for disposal, require NFGDC to sample all ends of all pipeline sections to be abandoned in place, and limit abandoned sections to less than ½ mile in length.
3. The EPA reserves the right to impose additional conditions, or revoke this approval, when it has reason to believe that the continued operation of NFGDC's alternative sampling site selection criteria presents an unreasonable risk of injury to health or the environment, and/or new information requires changes, or the EPA issues new regulations or standards that impact necessary conditions of this approval.
4. Any departure from the conditions of this approval or the terms expressed in the application must receive prior written authorization from the Director of ORCR.
5. Violations of any applicable regulations may be subject to enforcement action and may result in termination of this approval.
6. NFGDC shall be responsible for the actions of its employees and contractors when those actions are within the scope of implementing NFGDC's sampling process/procedures. NFGDC shall assume full responsibility for compliance with this approval and all applicable federal, state, and local regulations, including, but not limited to, any spill, pollutant release, incident, or other reporting requirements.
7. The EPA reserves the right for its employees or agents to inspect NFGDC's sampling operations covered by this approval at any location at any reasonable time.
8. Violation of any condition of this approval is a violation of 40 CFR 761.61. A violation of the regulations is a prohibited act under Section 15 of TSCA.

Date

*Dec 10, 2015*

*Barnes Johnson*

Barnes Johnson  
Director

Office of Resource Conservation and Recovery

APPENDIX

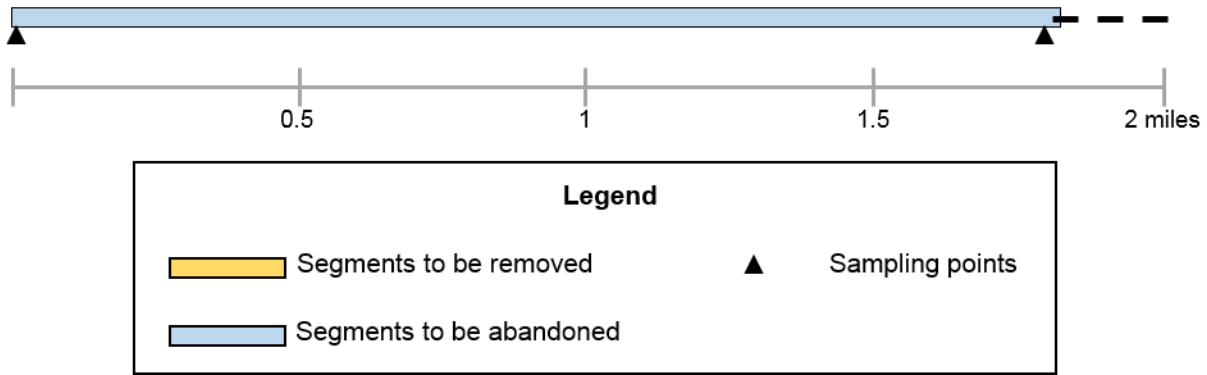
ILLUSTRATIONS

The figures below illustrate the sampling site selection criteria discussed in this approval applied to a contiguous pipeline that contains pipe segments to be removed and/or pipeline sections to be abandoned. The removal or abandonment process itself does not require an approval from the EPA when the self-implementing requirements in 40 CFR part 761 subpart M are followed, however, pursuant to 40 CFR 761.61(c), a person may request the EPA for approval to conduct alternative sampling procedures.

Scenario 1: Complete Abandonment

According to 40 CFR part 761 subpart M, when sampling a contiguous pipeline for abandonment, at a minimum a sample must be taken from all ends of all pipeline sections.

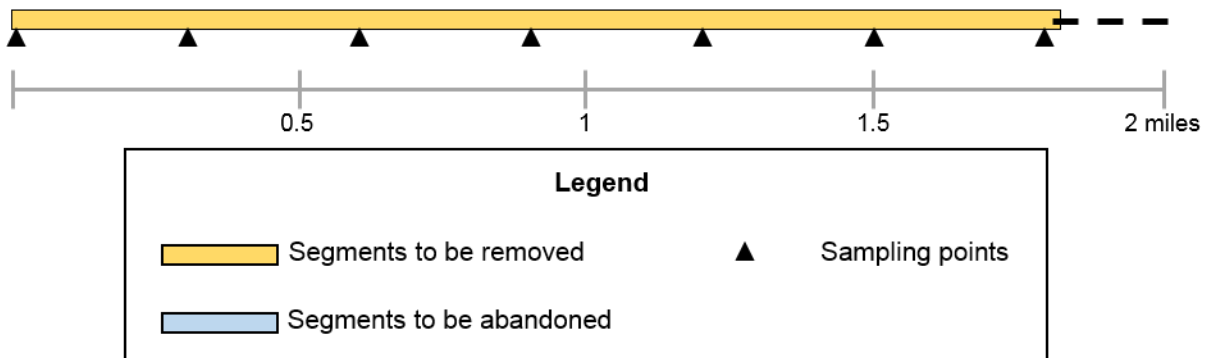
Self-Implementing Sampling Site Selection Criteria for Abandonment



Scenario 2: Complete Removal

According to 40 CFR part 761 subpart M, when sampling a contiguous pipeline for removal a sample must be taken every 1/2 mile, for a minimum of seven samples.

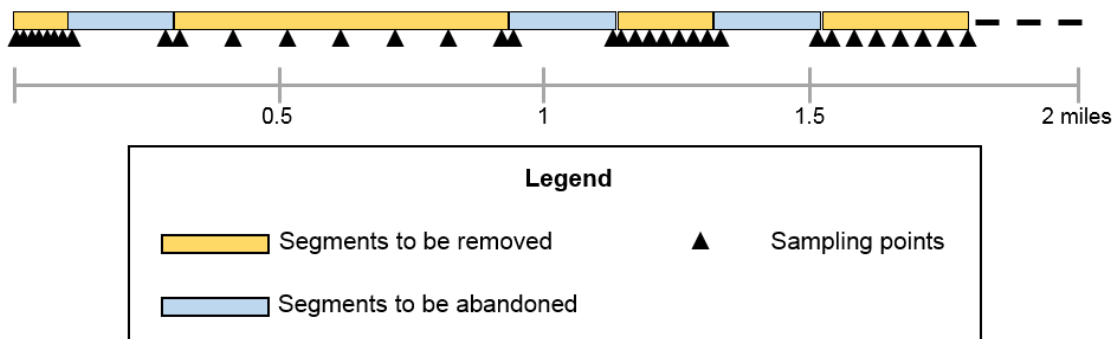
Self-Implementing Sampling Site Selection Criteria for Removal



Scenario 3: Combination of Removal and Abandonment under the Self-Implementing Sampling Site Selection Criteria

Collectively, the regulations contemplate the contiguous pipeline being replaced as either being removed or abandoned, not a combination of both, thus each portion would be treated as separate pipelines. The removal or abandonment process itself does not require an approval from the EPA when the self-implementing requirements in 40 CFR part 761 subpart M are followed: each pipe segment for removal must be sampled every ½ mile, for a minimum of seven samples, while each pipeline section for abandonment must, at a minimum, be sampled from all ends.

Self-Implementing Removal and Abandonment Sampling Site Selection Criteria



Scenario 4: Combination of Removal and Abandonment under the Proposed Sampling Site Selection Criteria

NFGDC requests to sample as one contiguous pipeline to be removed (sampled every ½ mile, for a minimum of seven samples) with additional sample points at all ends of all sections to be abandoned. The sampling method described in this approval (1) would not result in fewer wipe samples than otherwise would have been required by 40 CFR 761.247(b) if the contiguous pipeline was completely removed for disposal; (2) requires NFGDC to sample all ends of all pipeline sections to be abandoned in place, as required by 40 CFR 761.250(b); and (3) limits abandoned pipeline sections to less than ½ mile in length.

Proposed Alternative Removal and Abandonment Sampling Site Selection Criteria

