

Jakubas, Andrea

From: Asebe, Tewabe (PHMSA) <Tewabe.Asebe@dot.gov>
Sent: Monday, May 1, 2023 1:00 PM
To: Maple, Mark
Cc: Morley, Meagan; Sheehan, Bridget; Simpson, Joan; Jakubas, Andrea; Harvey, Matthew
Subject: [External] RE: Request for Clarification Regarding CO2 Pipeline Regulations

Hello friends,

Please see PHMSA's response to your question below.

Take care.

Q: If a carbon dioxide pipeline is operating in such a way that the carbon dioxide is not maintained in a supercritical state for specific segments of the pipeline, would PHMSA still regulate the entire pipeline pursuant to 49 CFR Part 195?

A: It depends. PHMSA's regulatory definition of carbon dioxide at 49 CFR § 195.2 means "a fluid consisting of more than 90 percent carbon dioxide molecules compressed to a supercritical state." PHMSA interprets that to mean and include any fluid meeting the carbon dioxide content percentage (i.e., 90% carbon dioxide molecules) that has been compressed to a supercritical state. If a pipeline transports CO2 as a fluid consisting of more than 90 percent carbon dioxide molecules compressed to a supercritical state, the pipeline is regulated pursuant to part 195, even if a segment of the pipeline temporarily experiences operating conditions in which the fluid is not maintained in a supercritical state. If, however, a pipeline has operational controls in place (e.g., pressure limiting devices) that prevent CO2 from entering a supercritical state, the pipeline would not be regulated under Part 195.

From: Maple, Mark <Mark.Maple@illinois.gov>
Sent: Thursday, April 27, 2023 1:31 PM
To: Asebe, Tewabe (PHMSA) <Tewabe.Asebe@dot.gov>
Cc: Morley, Meagan <Meagan.Morley@Illinois.gov>; Sheehan, Bridget <Bridget.Sheehan@illinois.gov>; Simpson, Joan <Joan.Simpson@Illinois.gov>; Jakubas, Andrea <Andrea.Jakubas@Illinois.gov>; Harvey, Matthew <Matthew.Harvey@illinois.gov>
Subject: Request for Clarification Regarding CO2 Pipeline Regulations

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

On April 13, 2023, John Gale, Director, Office of Standards and Rulemaking, responded by letter to two questions posed by Matthew Harvey, Deputy General Counsel of the Illinois Commerce Commission ("ICC"), on behalf of ICC Staff (letter attached). ICC Staff appreciates PHMSA's prompt response to this matter. To ensure ICC Staff has a clear understanding of the response, ICC Staff has one clarifying question regarding PHMSA's response to Question 1.

PHMSA's response to Question 1 states: "PHMSA regulates the transportation of carbon dioxide by pipeline under 49 CFR Part 195 if the carbon dioxide consists of more than 90 percent of the composition in a supercritical state." ICC Staff respectfully requests clarification of the following:

If a carbon dioxide pipeline is operating in such a way that the carbon dioxide is not maintained in a supercritical state for specific segments of the pipeline, would PHMSA still regulate the entire pipeline pursuant to 49 CFR Part 195?

Thank you for your assistance in this matter.

Mark Maple
Illinois Commerce Commission
Mark.Maple@illinois.gov
(217) 558-3509

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.