

MAR - 7 1996

Russell W. Copeland
Pipeline Safety Supervisor
Utah Department of Commerce
Division of Public Utilities
PO Box 45807
Salt Lake City, Utah 84145-0807

Dear Mr. Copeland:

I have considered the liquefied petroleum gas (LPG) distribution systems described in your letter of January 17, 1996. In these systems, the LPG storage tank is owned and maintained by an LPG distributor while the associated gas distribution piping is owned and maintained by a separate business owner.

As you know, any person who owns or operates a gas pipeline facility that comes under Part 192 is an operator responsible for compliance with Part 192. And, under § 192.11, an LPG distribution system includes both the tank and associated distribution piping.

Thus, I concur that as a tank owner, the LPG distributor may be cited for violations involving the tank. Also, as a piping owner, the separate business owner may be cited for violations involving the distribution piping. But, in our experience, a compliance action is more effective when it focusses [sic] on the person who actually operates the facilities concerned. Your letter did not mention who operates, rather than who owns or maintains, the tank and associated piping. Assuming the separate business owner operates these facilities together, we would recommend enforcing all applicable regulations against the separate business owner, although the LPG distributor owns and maintains the tank.

Sincerely,

Cesar De Leon
Deputy Associate Administrator for Pipeline Safety