



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

APR 02 2015

Mr. Jeremy Copeland, CHMM
Environmental Manager
Wacker Polysilicon North America, LLC
PO Box 446
Charleston, TN 37310

Dear Mr. Copeland:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA) dated January 12, 2015, you requested an interpretation of the applicability of the 49 CFR Parts 192 and 195 requirements to your pipelines.

You stated that Wacker Polysilicon North America, LLC (Wacker) is constructing a chemical plant in Charleston, TN. Included in the plant is the construction of two dedicated chemical pipelines that will transport chlorine gas and sodium hydroxide liquid from Olin Corporation (where the chemicals are manufactured) to Wacker's facility. The overall length of the aboveground pipeline for both the chlorine gas and sodium hydroxide is approximately 5,000 feet. You stated that the pipelines cross underneath a county road through an open-to-air box culvert that separates the two facilities (map provided). You asked for an interpretation as to the applicability of PHMSA regulations to your pipelines.

You stated that § 192.1 does not appear to exclude the chlorine pipeline. It is your belief that because chlorine gas is both toxic and corrosive, the chlorine pipeline may be regulated under Part 192.

As to the sodium hydroxide pipeline, you stated that § 195.1 provides exclusions and you believe § 195.1(b)(3)(ii) exempts the sodium hydroxide line because; (1) the length of line measured outside of facility grounds is less than one mile; (2) the pipeline serves a manufacturing facility; and (3) the pipeline does not cross a waterway used for commercial navigation. Therefore, it is your belief that the sodium hydroxide pipeline is not regulated under Part 195.

Part 192 prescribes minimum safety requirements for pipeline facilities and the transportation of gas, including pipeline facilities and the transportation of gas within the limits of the outer continental shelf (§ 192.1). Also, § 192.3 defines the term "gas" as natural gas, flammable gas, or gas which is toxic or corrosive. Therefore, as you stated in your request letter, the transportation of chlorine gas is regulated under Part 192 regulations.

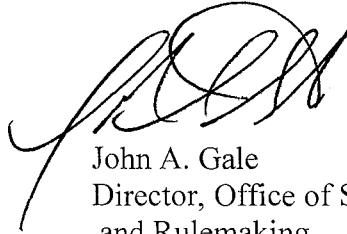
Part 195 prescribes minimum safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide. Section 195.2 defines

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency's current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations do not create legally-enforceable rights or obligations and are provided to help the public understand how to comply with the regulations.

hazardous liquids as petroleum, petroleum products, or anhydrous ammonia. Therefore, transportation of hazardous liquids by pipeline that is not petroleum, petroleum products, or anhydrous ammonia (in this case sodium hydroxide) is not regulated under Part 195.

If we can be of further assistance, please contact Tewabe Asebe of my staff at 202-366-5523.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale", written in a cursive style.

John A. Gale
Director, Office of Standards
and Rulemaking



JEREMY COPELAND
P-EH/CHA

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Tel. +1 423 780 7953
Fax +1 517 264 4021
jeremy.copeland@wacker.com
P. O. Box 446
Charleston, TN 37310-0446, USA

Wacker Polysilicon North America LLC

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Pipeline and Hazardous Materials Safety Administration
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East Building, 2nd Floor
Washington, DC 20590-0001
e-version delivered to phmsa.hm-pipelinesafety@dot.gov
hardcopy via FedEx, tracking no.
7725 5739 4460

- As discussed
- Thank you
- To be kept on file

Requested action:

- For your information
- For review and comment
- Take appropriate action
- Contact me
- Please return

January 12, 2015

Re: Regulatory Jurisdiction Request, Wacker Polysilicon North America, LLC; Charleston, TN

Dear Sir or Madam:

Wacker Polysilicon North America, LLC (Wacker) is constructing a chemical plant in Charleston, TN located at 553 McBryant Road NW, Charleston, TN 37310. Included in the plant is the construction of two, dedicated chemical pipelines that will transport chlorine gas and sodium hydroxide liquid from Olin Corporation (where the chemicals are manufactured) to Wacker's facility. The overall length of the aboveground pipeline is approximately 5,000 feet and it crosses underneath a county road (through an open to air box culvert) that separates the two facilities. Please refer to Appendix A that provides an aerial view of the route of the pipelines.

Chlorine

The scope of Title 49 CFR Part 192.1 includes pipelines that transport gas. Some exclusions are listed in the rule, but none that appear to exclude the chlorine pipeline. It is Wacker's interpretation that the chlorine pipeline may be regulated under 49 CFR part 192; based primarily on the fact that chlorine gas is both toxic and corrosive.

Sodium Hydroxide

The scope of Title 49 CFR Part 195.1 includes pipelines that transport hazardous liquid. Wacker interprets that the exclusion listed in 49 CFR Part 195.1(b)(3)(ii) exempts the sodium hydroxide line because; (1) the length of line measured outside of facility grounds is less than one mile, (2) the pipeline serves a manufacturing facility, and (3) the pipeline does not cross a waterway used for commercial navigation. Therefore, Wacker concludes


that the sodium hydroxide pipeline is not regulated by the Federal Department of Transportation (USDOT).

As requested by USDOT personnel and pursuant to 49 CFR 190.11 (b); Wacker is requesting written regulatory interpretation of the USDOT regulatory jurisdiction/PHMSA rules applicability to each of the the Wacker pipelines described above. Please refer to our user ID application request already filed with PHMSA and attached as Appendix B. This application was filed in June 2014 based on our own rule interpretation that the chlorine line is regulated. Since filing the application request, Wacker inquired to USDOT as to the status of the processing of the application and we were directed to send this regulatory interpretation request to the Office of Chief Counsel.

If you have any questions necessary to provide clarifications or aid in processing our request or would like to discuss the topics for any reason, please contact me at (423) 780-7953. You may return your response to Wacker either electronically at:

Jeremy.Copeland@wacker.com or via hardcopy to: *Jeremy Copeland, Environmental Manager, Wacker Polysilicon North America, PO Box 446, Charleston, TN 37310.*

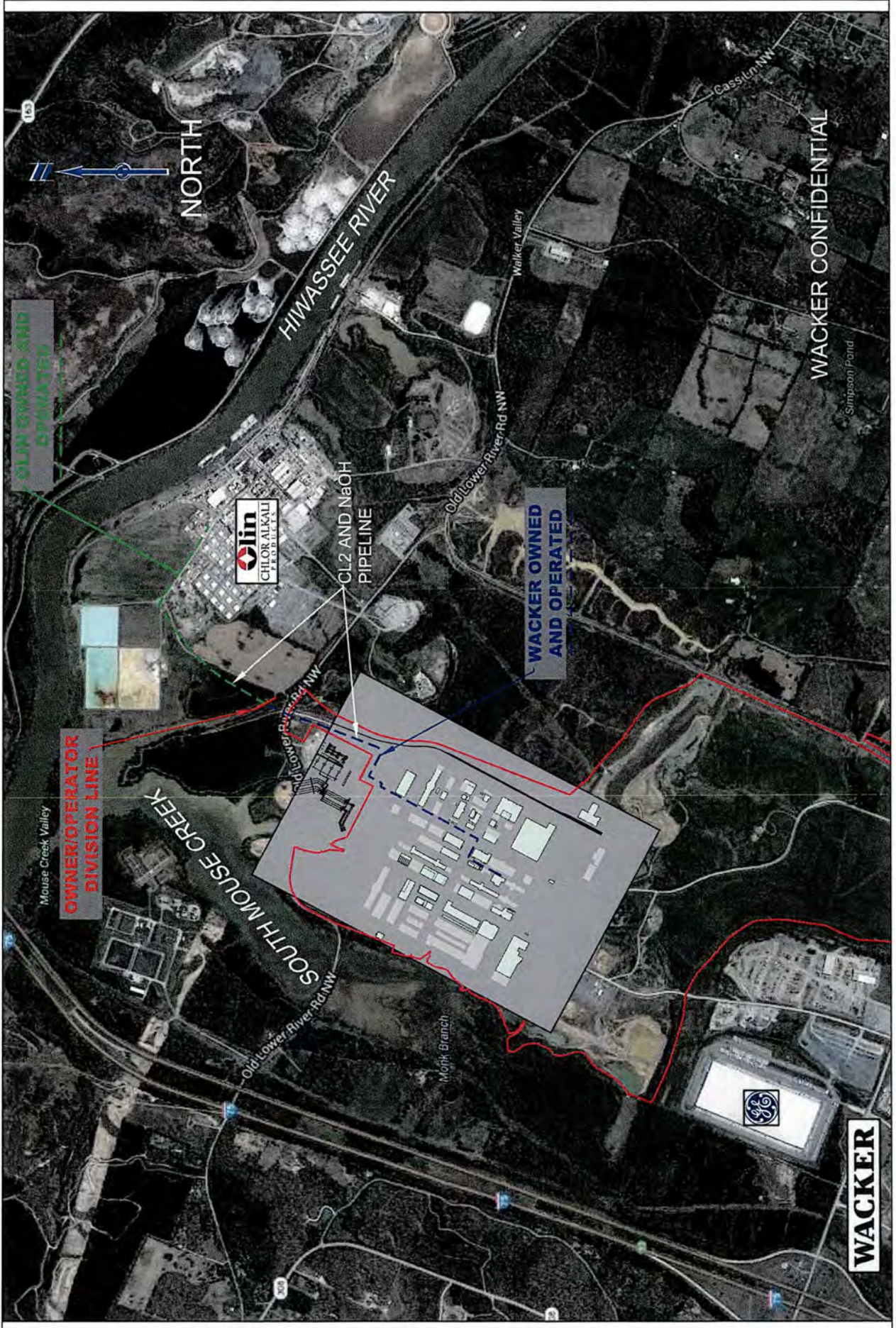
Cordially,



Jeremy Copeland, CHMM
Environmental Manager
Wacker Polysilicon North America, LLC

APPENDIX A

Aerial Layout



CLIN OWNED AND OPERATED

OWNER/OPERATOR DIVISION LINE

WACKER OWNED AND OPERATED

WACKER CONFIDENTIAL

WACKER



NORTH



CL2 AND NaOH PIPELINE



HIWASSEE RIVER

SOUTH MOUSE CREEK

Cassidy Ln NW

Walker Valley

Old Lower River Rd NW

Old Lower River Rd NW

Mork Branch

Simpson Pond

Mouse Creek Valley

APPENDIX B

OPID Assignment Request

 <p>U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration</p>	<h2 style="margin:0;">OPID ASSIGNMENT REQUEST</h2>	<p>DOT USE ONLY</p>
<p>A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0627. Public reporting for this collection of information is estimated to be approximately 60 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.</p>		
<p>STEP 1 – ENTER BASIC REPORT INFORMATION</p>		
<p>Date of this OPID Assignment Request: <u>06</u> <u>04</u> <u>14</u> <small>Month Day Year</small></p>		
<p>1. Are the pipelines and/or facilities covered by this OPID Assignment Request subject to regulation under all or any part of 49 CFR Parts 191, 192, 193, 194, and/or 195?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No --> No Further action needed.</p>		
<p>2. Are the pipelines and/or facilities covered by this OPID Assignment Request:</p> <p><input checked="" type="checkbox"/> Newly constructed pipelines and/or facilities</p> <p style="margin-left: 100px;">--> Approximate start date of construction: <u>07</u> <u>14</u> <u>14</u> <small>Month Day Year</small></p> <p style="margin-left: 100px;">--> Anticipated date of operational start-up: <u>04</u> <u>01</u> <u>15</u> <small>Month Day Year</small></p> <p><input type="checkbox"/> Existing pipelines and/or facilities --> 2a. Were they previously operated under another OPID?</p> <p style="margin-left: 40px;">No</p> <p style="margin-left: 40px;">Yes --> 2b. Is the Previous OPID Number known?</p> <p style="margin-left: 80px;"><input type="checkbox"/> No</p> <p style="margin-left: 80px;"><input type="checkbox"/> Yes --> List Previous OPID Number: <small>Previous Operator name:</small></p>		
<p>3. Name of Operator as you would like it to appear in PHMSA records: <u>WACKER POLYSILICON NORTH AMERICA, LLC</u></p>		
<p>4. Operator Headquarters address: <u>553 MCBRYANT RD., PO BOX 446</u> City: <u>CHARLESTON</u> State/Province: <u>TN</u> Zip/Postal Code: <u>37310</u></p>		
<p>5. Name of Operator contact for this OPID Assignment Request: Last: <u>Copeland</u> First: <u>Jeremy</u> MI: <u>D</u></p>		
<p>6. Phone number of Operator contact for this OPID Assignment Request: <u>(423)780-7953</u></p>		
<p>7. Is this Operator a wholly owned subsidiary of another company?</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes --> Company name: <u>Wacker-Chemie Achte Venture GmbH</u></p>		
<p>[End STEP 1]</p>		

STEP 2 – ENTER DESCRIPTION OF PIPELINES AND/OR FACILITIES	<i>The questions in this STEP allow PHMSA to accurately portray the scope and nature of the pipelines and/or facilities covered by this particular OPID Assignment Request and will also be used by PHMSA for their inspection planning.</i>
<p>1. The pipelines and/or facilities covered by this OPID Assignment Request are associated with the following types of facilities and transport the following types of commodities: <i>(select all that apply)</i> <i>(Complete STEPS 2 and 3 once for each top level facility type in this question that is included in this OPID Assignment Request.)</i></p>	
<p><input type="checkbox"/> LNG Plant(s) / Facility(ies) <input type="checkbox"/> LNG Storage</p>	
<p><input type="checkbox"/> Gas Distribution <input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane Gas <input type="checkbox"/> Other Gas --> Name:</p>	
<p><input checked="" type="checkbox"/> Gas Transmission <input checked="" type="checkbox"/> Gas Transmission <input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane Gas <input type="checkbox"/> Synthetic Gas <input type="checkbox"/> Hydrogen Gas <input checked="" type="checkbox"/> Other Gas --> Name: <u>Chlorine</u> <input type="checkbox"/> Gas Storage Facilities --> Total Number:</p>	
<p><input type="checkbox"/> Gas Gathering</p>	
<p><input type="checkbox"/> Hazardous Liquid <input type="checkbox"/> Hazardous Liquid Trunkline (regulated non-gathering) <input type="checkbox"/> Crude Oil <input type="checkbox"/> Refined and/or Petroleum Product (non-HVL) <input type="checkbox"/> HVL or Anhydrous Ammonia <input type="checkbox"/> Anhydrous Ammonia <input type="checkbox"/> LPG (Liquefied Petroleum Gas) / NGL (Natural Gas Liquid) <input type="checkbox"/> Other HVL --> Name: <input type="checkbox"/> CO2 (Carbon Dioxide) <input type="checkbox"/> Biofuel / Alternative Fuel (including ethanol blends, but excluding Fuel Grade Ethanol) <input type="checkbox"/> Fuel Grade Ethanol (also referred to as Neat Ethanol) <input type="checkbox"/> Regulated Hazardous Liquid Gathering <input type="checkbox"/> Hazardous Liquid Breakout Tanks --> Total Number:</p>	

2. Will any single pipeline or pipeline facility included in this OPID Assignment Request be subject to BOTH 49 CFR Part 192 AND 49 CFR Part 195 due to the planned transportation of commodities which are subject to both Parts?
 No Yes
 [STEP 2 continued]

3. For the top level pipeline and/or facility type selected in STEP 2, Question 1, complete the following:

For Gas Transmission, the pipelines and/or facilities covered by this OPID Assignment Request are: *(select Interstate and/or Intrastate, and complete Questions 3a-j for each set of Interstate assets and/or Intrastate assets, and for each selection of Gas Transmission facilities.)*

Intrastate

Onshore

3a. Approximate number of regulated transmission/trunkline pipeline miles: **1** miles

3b. List all of the States and Counties in which these pipelines are physically located:

State 1: **TN** Counties **BRADLEY**

3c. Approximate number of regulated Hazardous Liquid gathering miles

3d. List all of the States and Counties in which these Hazardous Liquid gathering lines are physically located:

3e. List all of the States and Counties in which other facilities (including storage/breakout tanks) are physically located, if different than the States and Counties listed in Questions 3b or 3d above:

4. Provide a brief and general description of the pipelines and/or facilities covered by this OPID Assignment Request. Describe each second level selection from STEP 2, Question 1 separately.

In addition to the information provided below, Operators are encouraged to provide a general overview map (or maps) depicting the approximate geographic location of the pipelines and/or facilities covered by this OPID Assignment Request.

Gas Transmission Pipeline Description:	Wacker Polysilicon North America, LLC (Wacker) manufacturing facility will receive gaseous chlorine manufactured and transported by Olin Chemical (Olin) via an above ground pipeline. The pipeline exits Olin's manufacturing plant and travels approximately one mile on a piperack into Wacker's manufacturing plant. The pipeline travels underneath a public roadway (Lower River Road) via a box culvert. This public road exists between the two facilities and is the only location where the pipeline is not located on company property of either party.
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STEP 3 – PROVIDE PHMSA-REQUIRED PIPELINE SAFETY PROGRAM OR LNG SAFETY PROGRAM INFORMATION

Sometimes, existing pipelines, pipeline segments, pipeline facilities, or LNG Facilities are covered under a common PHMSA-required pipeline safety program or LNG safety program which also involves other assets covered by additional OPIDs. (These common safety programs are sometimes referred to as "umbrella" safety programs.) This STEP serves to notify PHMSA of these relationships so that compliance performance can be accurately portrayed, as well as to facilitate PHMSA's resource planning and preparation in the conduct of inspections of these PHMSA-required safety programs.

Gas Transmission

1. Are the pipelines and/or facilities covered by this OPID Assignment Request included with other OPIDs for the purposes of compliance with one or more PHMSA-required pipeline safety program(s) or LNG safety program(s)? *(select only one)*

- Not known at this time. (Note: The Operator must submit an Operator Registry Notification informing PHMSA of the primary responsibility for managing or administering these PHMSA-required safety programs within 60 days after they are known. Operators should note that many of these programs are required to be in place before initial operations of the pipelines and/or facilities commence.)
- No, the pipelines and/or facilities covered by this OPID Assignment Request have their own independent PHMSA-required safety programs which include no other OPIDs for the following, when applicable:

[For ALL facilities] Anti-Drug Plan and Alcohol Misuse Plan (199.101, 199.202)

[For Gas Distribution, Gas Gathering, Gas Transmission, and Hazardous Liquid Pipeline Facilities] Procedure Manual for Operations, Maintenance, and Emergencies (192.605, 192.615, 195.402); Damage Prevention Program (192.614, 195.442); Public Awareness/Education Program (192.616, 195.440); Control Room Management Procedures (192.631, 195.446); Operator Qualification Program (192.805, 195.505); and, Integrity Management Program (192.907, 192.1005, 195.452).

[For Hazardous Liquid Pipeline Facilities ONLY] Response Plan for Onshore Oil Pipelines (or Alternative State Plan) (194.101).

[For LNG Facilities ONLY] LNG Plans & Procedures (193.2017).

[STEP 3, Question 1 continued]

- Yes, the pipelines and/or facilities covered by this OPID Assignment Request have one or more PHMSA-required pipeline safety program(s) or LNG safety program(s) that also apply to pipeline assets with other OPID numbers for the purposes of compliance with PHMSA regulations.

If Yes, please list the Operator-designated "primary" OPID for each common PHMSA-required pipeline safety program or LNG safety program associated with this OPID Assignment Request. Those programs not selected will be considered to be either not required or independent programs which cover only the pipelines and/or facilities covered by this OPID Assignment Request: *(select all that apply)*

- 1a. Anti-Drug Plan and Alcohol Misuse Plan (199.101, 199.202)
OPID # ISP Unknown
- 1b. Procedure Manual for Operations, Maintenance, and Emergencies (192.605, 192.615, 195.402)
OPID # ISP Unknown
- 1c. Damage Prevention Program (192.614, 195.442)
OPID # ISP Unknown
- 1d. Public Awareness/Education Program (192.616, 195.440)
OPID # ISP Unknown
- 1e. Control Room Management Procedures (192.631, 195.446)
OPID # ISP Unknown
- 1f. Operator Qualification Program (192.805, 195.505)
OPID # ISP Unknown
- 1g. Integrity Management Program (192.907, 192.1005, 195.452)
OPID # ISP Unknown
- 1h. Response Plan for Onshore Oil Pipelines (or Alternative State Plan) (194.101)
OPID # ISP Unknown
- 1i. LNG Plans & Procedures (193.2017)
OPID # ISP Unknown

[End STEP 3]

STEP 4 – PROVIDE CONTACT INFORMATION	<i>This STEP ensures that PHMSA has the contact information it needs for the basic forms of Agency-Operator interaction that may occur.</i>
1. Operator contact overseeing compliance with 49 CFR Parts 191-199, i.e. the primary contact for regulatory issues:	
<p>Name: Last: <u>Copeland</u> First: <u>Jeremy</u> MI: <u>D</u> Title: <u>Environmental Manager</u> Address: Street/P.O. Box: <u>553 MCBRYANT RD., PO BOX 446</u> , City: <u>CHARLESTON</u> State/Province: <u>TN</u> Zip/Postal Code: <u>37310</u> Phone: <u>(423)780-7953</u> E-mail: <u>jeremy.copeland@wacker.com</u></p>	
2. Operator contact for information pertaining to PHMSA's inspection scheduling, if different from above: (Provide one contact for each PHMSA Regional Office where pipelines and/or facilities covered by this OPID Assignment Request are physically located)	
<p>PHMSA Region: <u>N/A</u> Name: Last: <u>Copeland</u> First: <u>Jeremy</u> MI: <u>D</u> Title: <u>Environmental Manager</u> Address: Street/P.O. Box: <u>553 MCBRYANT RD., PO BOX 446</u> , City: <u>CHARLESTON</u> State/Province: <u>TN</u> Zip/Postal Code: <u>37310</u> Phone: <u>(423)780-7953</u> E-mail: <u>jeremy.copeland@wacker.com</u></p>	
3. 24/7 Operator contact for <u>emergency situations</u> (natural disasters, national emergencies, security threats, extreme weather events, etc.):	
<p>Name: Last: <u>King</u> First: <u>Dan</u> MI: Title: <u>Emergency Preparedness Manager</u> Address: Street/P.O. Box: <u>553 MCBRYANT RD., PO BOX 446</u> , City: <u>CHARLESTON</u> State/Province: <u>TN</u> Zip/Postal Code: <u>37310</u> Phone: <u>(423)780-8150</u> E-mail: <u>dan.king@wacker.com</u></p>	
4. 24/7 Operator phone number for <u>normal operations</u>:	Phone: <u>(423)310-3874</u>
5. 24/7 Operator <u>Control Center</u> phone number:	Phone: <u>(423)829-7106</u>
6. Operator's Senior Executive Official:	
<p>Name: Last: <u>Bachhuber</u> First: <u>Konrad</u> MI: Title: <u>Vice-President & Site Manager</u> Address: Street/P.O. Box: <u>553 MCBRYANT RD., PO BOX 446</u> , City: <u>CHARLESTON</u> State/Province: <u>TN</u> Zip/Postal Code: <u>37310</u> Phone: <u>(423)780-8800</u> E-mail: <u>konrad.bachhuber@wacker.com</u></p>	

7. Operator contact for information pertaining to NPMS submissions:

Name: Last: **Copeland** First: **Jeremy** MI: **D**
Title: **Environmental Manager**
Address:
Street/P.O. Box: **553 MCBRYANT RD., PO BOX 446** ,
City: **CHARLESTON** State/Province: **TN** Zip/Postal Code: **37310**
Phone: **(423)780-7953** E-mail: **jeremy.copeland@wacker.com**

8. Operator contact responsible for assuring compliance with DOT's Anti-Drug and Alcohol Misuse regulations (49 CFR 199):

Name: Last: **Burk** First: **Erika** MI:
Title: **Director of Human Resources**
Address:
Street/P.O. Box: **553 MCBRYANT RD., PO BOX 446** ,
City: **CHARLESTON** State/Province: **TN** Zip/Postal Code: **37310**
Phone: **(423)780-8301** E-mail: **erika.burk@wacker.com**

9. User Fee contact:

Name: Last: **Copeland** First: **Jeremy** MI: **D**
Title: **Environmental Manager**
Address:
Street/P.O. Box: **553 MCBRYANT RD., PO BOX 446** ,
City: **CHARLESTON** State/Province: **TN** Zip/Postal Code: **37310**
Phone: **(423)780-7953** E-mail: **jeremy.copeland@wacker.com**

[End STEP 4]

Wacker Polysilicon
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P. O. Box 446
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Wacker Polysilicon North America LLC
553 McBryant Road, Charleston, TN 37310-0446, USA

Mr. Tewabe Asebe
United States Department of Transportation
Pipeline and Hazardous Materials Safety Administration

- As discussed
- Thank you
- To be kept on file

Requested action:

- For your information
- For review and comment
- Take appropriate action
- Contact me
- Please return

February 6, 2015

Subject: Response to Sodium Hydroxide Pipeline Question

Dear Mr. Asebe,

On January 22, 2015 you emailed to Wacker the following question, related to Wacker's request for regulatory determination regarding the sodium hydroxide and chlorine pipelines:

Per our telephone conversation, would you confirm if your sodium hydroxide pipeline is a low-stress Pipeline? If so, would you please provide me with the maximum operating pressure.

Section 195.2 defines a low-stress pipeline as:

Low-stress pipeline means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe.

Wacker's sodium hydroxide pipeline is a low-stress pipeline, as defined at 49 CFR §195.2. The maximum operating pressure of the line is 95psig.

If you require any further information regarding this topic or any topic related to Wacker's determination request, please contact me directly via email at jeremy.copeland@wacker.com or via phone at (423) 780-7953.

Cordially,



Jeremy Copeland, CHMM
Environmental Manager