



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

VIA FEDERAL EXPRESS, ELECTRONIC MAIL, AND FAX TO: 907-787-8586

Mr. Kevin Hostler
President and CEO
Alyeska Pipeline Service Company
900 East Benson Blvd.
Anchorage, AK 99508

MAY 27 2010

**Re: Corrective Action Order
CPF No. 5-2010-5017H**

Dear Mr. Hostler:

Enclosed is a Corrective Action Order issued by the Pipeline and Hazardous Materials Safety Administration in the above-referenced case. It requires the Alyeska Pipeline Service Company to take certain corrective actions with respect its hazardous liquid pipeline system that experienced a failure and crude oil spill on May 25, 2010, at Pump Station 9, near Delta Junction, Alaska. Service is being made by Federal Express, facsimile and electronic mail. The terms and conditions of this Order are effective upon service of this document in accordance with 49 C.F.R. § 190.5.

Sincerely,

for: Alan K. Wiese
Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. Chris Hoidal
Director, Western Region, OPS

Ms. Shelia Doody Bishop, Esq.,
Senior Counsel, Alyeska Pipeline Service Company (*by email*)

3. At approximately 11:00 a.m. local time, Alyeska personnel observed that crude oil was discharging from the vents on Tank 190 onto the ground. The release of crude oil appears to have been limited to the secondary containment area around Tank 190.
4. At approximately 11:35 a.m., Alyeska shut down all power to the station to minimize fire risks.
5. At approximately 11:50 a.m., Alyeska closed Battery Limit Valve 1 using a portable generator. The closure of this valve prevented oil from the pipeline upstream of PS9 from entering PS9. At approximately 12:16 p.m. Alyeska closed Battery Limit Valve 2 using a portable generator. The closure of this valve prevented oil from the pipeline downstream of PS9 from entering PS9.
6. Alyeska reported the accident to the National Response Center at 1:07 p.m. local time on May 25, 2010 (NRC Report No. 941598).
7. Alyeska did not report any injuries or fires associated with the release.
8. The cause of the failure is unknown and the investigation is ongoing. The preliminary investigation indicates that a failure occurred in the switching equipment that controls electrical power to PS9.
9. TAPS originates on the North Slope of Alaska, near Prudhoe Bay, transports crude approximately 800 miles to the south and terminates at the Valdez Marine Terminal. The line crosses rivers, mountains and populated areas. TAPS transports approximately 600,000 barrels of oil per day.
10. TAPS was commissioned in 1977 and was constructed from API 5L X-52, 48-inch diameter pipe.
11. PS9 is located in close proximity to a High Consequence Area (HCA) as defined in 49 C.F.R. § 195.450.
12. PHMSA has investigated safety issues at PS9 in the past, including a 2007 fire at Tank 190.
13. Photographs of Tank 190 indicate some structural damage in the upper course of the tank. Detailed examination of Tank 190 has not been performed due to the presence of spilled crude oil in the containment area surrounding the tank, and the potential presence of hazardous, flammable vapors in that area.
14. Alyeska reports that Tank 190 will remain out of service for an indeterminate period of time to allow for drain down, inspection and any needed repairs. Alyeska has indicated that it plans to operate TAPS without the overpressure relief capacity provided by Tank 190. Alyeska has indicated that relief capacity can be provided by breakout tanks at other locations along the pipeline.

Determination of Necessity for Corrective Action Order and Right to Hearing

Section 60112 of Title 49, United States Code, provides for the issuance of a Corrective Action Order after reasonable notice and the opportunity for a hearing, and may require various corrective actions to be taken, including suspended or restricted use of a pipeline facility, physical inspection, testing, repair, replacement, or other action as appropriate. The basis for making the determination that a pipeline facility is hazardous, requiring corrective action, is set forth both in the above-referenced statute and 49 C.F.R. § 190.233, a copy of which is enclosed.

Section 60112(e), and the regulations promulgated thereunder, provide for the issuance of a Corrective Action Order without prior notice and an opportunity for a hearing upon a finding that failure to issue the order expeditiously will result in likely serious harm to life, property or the environment. In such cases, an opportunity for a hearing will be provided as soon as practicable after the issuance of the order.

After evaluating the foregoing preliminary findings of fact, I find that the operation of TAPS without corrective measures would be hazardous to life, property and the environment.

Additionally, after considering the age of the pipeline facility, the particular circumstances surrounding this failure and crude oil spill, the failure to actuate certain valves around the time of the spill, suspected problems with the PS9 electrical power system, the proximity of the pipeline and breakout tank to an HCA, the hazardous nature of the crude oil being transported, the pressure required for transporting the material when the line is operational, Alyeska's intention to restart the pipeline without the relief capacity provided by Tank 190, the uncertainties as to the cause of the failure, and the ongoing investigation to determine the cause of the failure, I find that a failure to issue this order expeditiously to require immediate corrective action would result in likely serious harm to life, property, and the environment. Accordingly, this Corrective Action Order mandating immediate corrective action is issued without prior notice and opportunity for a hearing. The terms and conditions of this order are effective upon receipt.

Within 10 days of service of this order, Respondent may request a hearing, to be held as soon as practicable, by notifying the Associate Administrator for Pipeline Safety in writing, delivered personally, by mail or by facsimile at (202) 366-4566. The hearing will be held in Anchorage, Alaska or Washington, D.C., on a date that is mutually convenient to PHMSA and Respondent.

After receiving and analyzing additional data in the course of this investigation, PHMSA may identify other corrective measures that need to be taken. Respondent will be notified of any additional measures required and amendment of this order will be considered. To the extent consistent with safety, Respondent will be afforded notice and an opportunity for a hearing prior to the imposition of any additional corrective measures.

Required Corrective Action

Pursuant to 49 U.S.C. § 60112, I hereby order the Alyeska Pipeline Service Company, to immediately take the following corrective actions with respect to TAPS:

1. Prior to resuming operation of TAPS, prepare and submit a written re-start plan for prior approval to the Director, Western Region, OPS (Director), Pipeline and Hazardous Materials Safety Administration, 12300 West Dakota Avenue, Lakewood, Colorado 80228. The restart plan shall include, at a minimum, the following elements:
 - a. A temporary operating procedure for restart and operation of TAPS without the use of PS9 relief tankage. The procedures shall include, at a minimum, a listing of all physical (hard) and computer software (soft) pipeline control setpoints that will be altered before restart.
 - b. Demonstrate that the contingency overpressure relief at Pump Station 5 (PS5) will operate in accordance with the temporary operating procedures required by paragraph 1(a), and is otherwise capable of controlling overpressure on TAPS.
 - c. Demonstrate that the System Integrity Pressure Protection System (SIPPS) will be provided with continuous, uninterruptible power and that Alyeska technicians are on location at PS9 24 hours per day, 7 days a week to ensure this.
 - d. The oil movement gradient for operating TAPS, including a listing of critical pinch points, with the PS9 relief system out of service. A critical pinch point is the location on the pipeline where the pressure gradient is close to the MOP of the pipeline.
 - e. Confirm that adjustment to the PS5 overpressure relief setpoint can and will be made within 75 seconds of any idling or shutdown of PS9.
 - f. A daylight restart and at least 12 hours advance notice to local emergency response officials and spill response personnel.
2. Obtain written approval to resume operation of TAPS from the Director prior to resuming operation.
3. Submit the restart plan and any proposed revisions to such plan to the Director for prior approval. The restart plan described above is incorporated by reference into this order and may be revised by the Director as necessary to incorporate the results of actions undertaken pursuant to this order and whenever necessary to incorporate new information obtained during the failure investigation and remedial activities. The Director may approve plan elements incrementally.
4. Implement the restart plan as it is approved by the Director, including any revisions to the plan.

5. After restarting the pipeline pursuant to written approval from the Regional Director, and until the Regional Director provides written relief upon request by Alyeska, perform the following activities:
 - a. Monitor Tank 190 containment area for hazardous and/or combustible vapors.
 - b. Locate personnel at PS9 24 hours per day, 7 days per week who are capable of re-establishing PS9 power if it is lost, operating station valves in the event of a power failure or loss of communications with the TAPS Operations Control Center (OCC), and shutting down and isolating PS9. Such personnel shall be tested and operator qualified pursuant to 49 C.F.R. Part 195, Subpart G to perform such activities.
 - c. Locate a minimum of two dedicated, roving observers at PS9. The observers must be on site 24 hours a day, 7 days a week and must inspect PS9 every 30 minutes for leaks and any abnormal operations or activities. The observers must prepare and maintain a written hourly log of their inspections.
 - d. Submit daily updates to the Western Region Director of any abnormal operations, including, but not limited to any loss of communications or electrical power on TAPS.
6. Before putting Tank 190 back into service, conduct and document API 653 inspection of Tank 190. Such inspection shall be performed after draw down of the contents of the tank. Provide the Director, Western Region, with notice of the planned API 653 inspection at least 2 days prior to performing an inspection.
7. With respect to each submission that under this order requires the approval of the Regional Director, the Director may: (a) approve, in whole or part, the submission; (b) approve the submission on specified conditions; (c) modify the submission to cure any deficiencies; (d) disapprove in whole or in part, the submission, directing that Respondent modify the submission, or (e) any combination of the above. In the event of approval, approval upon conditions, or modification by the Director, Respondent shall proceed to take all action required by the submission as approved or modified by the Director. If the Director disapproves all or any portion of the submission, Respondent shall correct all deficiencies within the time specified by the Director, and resubmit it for approval.

The Director may grant an extension of time for compliance with any of the terms of this order upon a written request timely submitted demonstrating good cause for an extension.

The actions required by this Corrective Action Order are in addition to and do not waive any requirements that apply to Respondent's pipeline system under 49 C.F.R. Parts 190-199, under any other order issued to Respondent under authority of 49 U.S.C. § 60101 *et seq.*, or under any other provision of Federal or State law.

Respondent may appeal any decision of the Director to the Associate Administrator for Pipeline Safety. Decisions of the Associate Administrator shall be final.

Failure to comply with this order may result in the assessment of civil penalties and in referral to the Attorney General for appropriate relief in United States District Court pursuant to 49 U.S.C. § 60120.

The terms and conditions of this Corrective Action Order are effective upon receipt.

for: Alan K. Wiese

for: Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

MAY 27 2010

Date Issued

[Code of Federal Regulations]
[Title 49, Volume 3]
[Revised as of October 1, 2009]
From the U.S. Government Printing Office via GPO Access
[CITE: 49CFR190.233]

[Page 16-18]

TITLE 49--TRANSPORTATION

CHAPTER I--PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION,
DEPARTMENT OF TRANSPORTATION (CONTINUED)

PART 190 PIPELINE SAFETY PROGRAMS AND RULEMAKING PROCEDURES--Table of
Contents

Subpart B_Enforcement

Sec. 190.233 Corrective action orders.

(a) Except as provided by paragraph (b) of this section, if the Associate Administrator, OPS finds, after reasonable notice and opportunity for hearing in accord with paragraph (c) of this section and Sec. 190.211(a), a particular pipeline facility to be hazardous to life, property, or the environment, the Associate Administrator, OPS shall issue an order pursuant to this section requiring the owner or operator of the facility to take corrective action. Corrective action may include suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other appropriate action.

(b) The Associate Administrator, OPS may waive the requirement for notice and opportunity for hearing under paragraph (a) of this section before issuing an order pursuant to this section when the Associate Administrator, OPS determines that the failure to do so would result in the likelihood of serious harm to life, property, or the environment. However, the Associate Administrator, OPS shall provide an opportunity for a hearing as soon as is

[[Page 17]]

practicable after the issuance of a compliance order. The provisions of paragraph (c)(2) of this section apply to an owner or operator's decision to exercise its opportunity for a hearing. The purpose of such a post-order hearing is for the Associate Administrator, OPS to determine whether a compliance order should remain in effect or be rescinded or suspended in accord with paragraph (g) of this section.

(c) Notice and hearing:

(1) Written notice that OPS intends to issue an order under this section shall be served upon the owner or operator of an alleged hazardous facility in accordance with Sec. 190.5. The notice shall allege the existence of a hazardous facility and state the facts and circumstances supporting the issuance of a corrective action order. The notice shall also provide the owner or operator with the opportunity for a hearing and shall identify a time and location where a hearing may be held.

(2) An owner or operator that elects to exercise its opportunity for a hearing under this section must notify the Associate Administrator, OPS of that election in writing within 10 days of service of the notice provided under paragraph (c)(1) of this section, or under paragraph (b) of this section when applicable. The absence of such written notification waives an owner or operator's opportunity for a hearing and allows the Associate Administrator, OPS to issue a corrective action order in accordance with paragraphs (d) through (h) of this section.

(3) A hearing under this section shall be presided over by an

attorney from the Office of Chief Counsel, Pipeline and Hazardous Materials Safety Administration, acting as Presiding Official, and conducted without strict adherence to formal rules of evidence. The Presiding Official presents the allegations contained in the notice issued under this section. The owner or operator of the alleged hazardous facility may submit any relevant information or materials, call witnesses, and present arguments on the issue of whether or not a corrective action order should be issued.

(4) Within 48 hours after conclusion of a hearing under this section, the Presiding Official shall submit a recommendation to the Associate Administrator, OPS as to whether or not a corrective action order is required. Upon receipt of the recommendation, the Associate Administrator, OPS shall proceed in accordance with paragraphs (d) through (h) of this section. If the Associate Administrator, OPS finds the facility is or would be hazardous to life, property, or the environment, the Associate Administrator, OPS shall issue a corrective action order in accordance with this section. If the Associate Administrator, OPS does not find the facility is or would be hazardous to life, property, or the environment, the Associate Administrator shall withdraw the allegation of the existence of a hazardous facility contained in the notice, and promptly notify the owner or operator in writing by service as prescribed in Sec. 190.5.

(d) The Associate Administrator, OPS may find a pipeline facility to be hazardous under paragraph (a) of this section:

(1) If under the facts and circumstances the Associate Administrator, OPS determines the particular facility is hazardous to life, property, or the environment; or

(2) If the pipeline facility or a component thereof has been constructed or operated with any equipment, material, or technique which the Associate Administrator, OPS determines is hazardous to life, property, or the environment, unless the operator involved demonstrates to the satisfaction of the Associate Administrator, OPS that, under the particular facts and circumstances involved, such equipment, material, or technique is not hazardous.

(e) In making a determination under paragraph (d) of this section, the Associate Administrator, OPS shall consider, if relevant:

(1) The characteristics of the pipe and other equipment used in the pipeline facility involved, including its age, manufacturer, physical properties (including its resistance to corrosion and deterioration), and the method of its manufacture, construction or assembly;

(2) The nature of the materials transported by such facility (including their corrosive and deteriorative qualities),

[[Page 18]]

the sequence in which such materials are transported, and the pressure required for such transportation;

(3) The characteristics of the geographical areas in which the pipeline facility is located, in particular the climatic and geologic conditions (including soil characteristics) associated with such areas, and the population density and population and growth patterns of such areas;

(4) Any recommendation of the National Transportation Safety Board issued in connection with any investigation conducted by the Board; and

(5) Such other factors as the Associate Administrator, OPS may consider appropriate.

(f) A corrective action order shall contain the following information:

(1) A finding that the pipeline facility is hazardous to life, property, or the environment.

(2) The relevant facts which form the basis of that finding.

(3) The legal basis for the order.

(4) The nature and description of any particular corrective action

required of the respondent.

(5) The date by which the required corrective action must be taken or completed and, where appropriate, the duration of the order.

(6) If the opportunity for a hearing was waived pursuant to paragraph (b) of this section, a statement that an opportunity for a hearing will be available at a particular time and location after issuance of the order.

(g) The Associate Administrator, OPS shall rescind or suspend a corrective action order whenever the Associate Administrator, OPS determines that the facility is no longer hazardous to life, property, or the environment. When appropriate, however, such a rescission or suspension may be accompanied by a notice of probable violation issued under Sec. 190.207.

(h) At any time after a corrective action order issued under this section has become effective, the Associate Administrator, OPS may request the Attorney General to bring an action for appropriate relief in accordance with Sec. 190.235.

(i) Upon petition by the Attorney General, the District Courts of the United States shall have jurisdiction to enforce orders issued under this section by appropriate means.

[70 FR 11138, Mar. 8, 2005]