
From: Michelle Denault [<mailto:mbdenault@gmail.com>]
Sent: Monday, September 24, 2012 01:31 PM
To: Coy, Byron (PHMSA)
Subject: CPF 1-2012-5018

Dear Mr. Coy,
I am sending this letter as well as the documents attached to this email to you today by Priority Mail. (The first attempt said the file was too big, so I will send one file with two different emails.)

Thank you,
Michelle Denault

Dear Mr. Coy,

Interstate Storage & Pipe Line Corporation contests the Notice of Probable Violation resulting from the 49 CFR 195 PHMSA inspection from May 16-20, 2011.

In regards to Item #1 which indicates that the Fire Water piping lacks permanent pipe support, Interstate Storage & Pipe Line Corporation provides the following response:

1. The referenced Fire Water piping is not within the PHMSA jurisdiction. It provides firefighting capability to Interstate Storage & Pipe Line Corporation's above ground storage tanks which are under the EPA's jurisdiction.
2. Additionally, and regardless of jurisdiction, Interstate Storage and Pipeline Corporation has taken PHMSA's opinion into consideration and engaged a structural engineer to determine the structural integrity of the Fire Water piping and its supports. We expect that he will provide us with his professional opinion as to the adequacy of the supports, and the best course of action, if appropriate, shortly.

In regards to Item #2 which indicates that Interstate Storage & Pipe Line Corporation failed to electrically check rectifiers for proper performance at least six times a year with intervals not exceeding 2 1/2 months, we do not recall discussing this with the inspector. It was not mentioned during the exit interview and we are uncertain as to how PHMSA made this determination as it is not true. We did provide copies of a broad range of records for the inspector to review later at his office.

However, we were not specifically asked for records which referred to the rectifiers for proper maintenance, and do not know what was or was not provided to him as they relate to this subject. If the inspector's determination was as a result of these records, he never followed up to verify whether he had all the data. If he had, we would have provided the following information to him.

Interstate Storage & Pipe Line Corporation hires Toal Associates, an independent Cathodic Protection Contractor, to perform quarterly cathodic protection and rectifier checks. In addition, Interstate Storage & Pipe Line Corporation does monthly in house cathodic protection and rectifier checks. We have included a selection of these checks, which meet or exceed the required number of checks, as documentation.

This documentation proves that Interstate Storage and Pipe Line Corporation was performing rectifier checks as required by 49 CFR 195, and we hereby respectfully request that the assessed penalty of \$49,600 be rescinded.

The attached documentation and explanation should resolve all inadequacies found during Interstate Storage & Pipe Line Corporation's May 16-20, 2011 inspection in accordance with 49 CFR Part 195 requirements and Pipeline and Hazardous Materials Safety Administration's findings.

If this does not resolve the inadequacies sufficiently, then Interstate Storage and Pipe Line Corporation hereby formally requests a hearing. Interstate Storage and Pipe Line Corporation reserves the right to be represented by counsel at the hearing.

If you require more in regards to CPF 1-2012-5018, please contact me directly.

Thank you,

Michelle Denault
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