



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

409 3rd Street, SW, Suite 300  
Washington, DC 20024

**NOTICE OF PROBABLE VIOLATION  
and  
PROPOSED CIVIL PENALTY**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

May 15, 2007

Mr. David A. Justin  
Vice President, Operations  
Sunoco Pipeline L.P.  
525 Fritztown Road  
Sinking Spring, PA 19608

**CPF No. 1-2007-5001**

Dear Mr. Justin:

On November 25, 2005, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the site of the November 22, 2005 incident reported by Sunoco Logistics at its Darby Creek Tank Farm facility located in Sharon Hill, PA.

As a result of the inspection, it appears that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violation is:

1. §195.402 Procedural manual for operations, maintenance, and emergencies.

a) **General.** Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response.

1a. On November 22, 2005 Sunoco Logistics operations personnel did not follow Operations Procedure 20 – Valve Closure, which specifies that “...before swinging to another tank get the closing gauge on previous tank and enter on work sheets.”

Failure to follow the procedure to ensure closure of the shell valve for Darby Creek (DC) Tank #24 prior to swinging to another tank after it was taken off line contributed to the overflow of the tank. Also, there was a failure by operating personnel to discuss the status of valve positions during the change between the day and night shifts as required by company procedures. The closure of the valve for DC-24 was indicated on the worksheet.

According to Sunoco Logistics representatives during a meeting on this matter held on January 10, 2006 the “2<sup>nd</sup> Operator for the day shift was busy with other activities, did not close DC-24 (Tank #24) valve per Operation Procedures 20. Sunoco Logistics O&M procedures are also evidence of the probable violation.

1b. On November 23, 2005 Sunoco Logistics operating personnel did not follow Operations Procedure 12 which specifies that: “all high level alarms must receive immediate attention.”

Sunoco Logistics operation personnel could not determine that DC-24 was filling and an initial alarm was considered false. Operator personnel continued with other responsibilities during the initial alarm. A second alarm was not acted upon because an audible component was not connected and the control monitor could only display tanks the operator designated as active. The system was set to acknowledge multiple alarms. Also, Sunoco Logistic operation personnel could not monitor the high flow rate in DC-24 or the rate of flow in and out of DC-24.

The failure to acknowledge the alarms contributed to the overflow of DC-24 and subsequent damage to the tank.

In addition to the procedures already cited, further evidence of the probable violation was supported during the review of the following Sunoco Logistics' documentation:

- routine facility checks report,
- leak detection system,
- overflow incident timeline report,
- pump sheet log,
- shift change log,
- daily product inventory,
- vessel transfer sheet,
- tank monitoring log at the time of the incident
- O & M Procedure 2: Shift Turnover,
- O & M Procedure 6: Tank Overflow

A review of plant records verified that the valve for DC-24 was noted as closed, when in fact it was left in the open position and not recognized by operating personnel.

#### Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation and has recommended that you be preliminarily assessed a civil penalty of \$150,000 as follows:

| <u>Item number</u> | <u>PENALTY</u> |
|--------------------|----------------|
| 1a                 | \$100,000      |
| 1b                 | \$50,000       |

#### Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b). If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this

Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

In your correspondence on this matter, please refer to **CPF 1-2007-5001** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



Byron Coy, Jr.  
Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration

Enclosures: *Response Options for Pipeline Operators in Compliance Proceedings*