

SEPTEMBER 20, 2013

Mr. Michael J. Hennigan
President
Sunoco Logistics Partners L.P.
Sunoco Pipeline L.P.
1818 Market St., Suite 1500
Philadelphia, PA 19103

Re: CPF No. 1-2012-5012M

Dear Mr. Hennigan:

Enclosed please find the Order Directing Amendment issued in the above-referenced case. It makes a finding of inadequate procedures and requires that Sunoco Pipeline L.P. amend certain operating and maintenance procedures. When the amendment of procedures has been completed, as determined by the Director, Eastern Region, this enforcement action will be closed. Service of the Order Directing Amendment by certified mail is effective as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. Byron Coy, Director, Eastern Region, OPS
Bizunesh Scott, Esq., Steptoe & Johnson LLP
1330 Connecticut Ave. NW, Washington, D.C. 20036

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

_____)	
In the Matter of)	
)	
Sunoco Pipeline L.P.,)	CPF No. 1-2012-5012M
)	
Respondent.)	
_____)	

ORDER DIRECTING AMENDMENT

On October 11, 2010, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), initiated an inspection of the written operations and maintenance procedures of Sunoco Pipeline L.P. (Sunoco or Respondent). The inspection was in connection with the investigation of an event that occurred on a pipeline owned by Sunoco in Mansfield Township, New Jersey. Sunoco, a subsidiary of Sunoco Logistics Partners L.P., operates approximately 5,000 miles of hazardous liquid pipelines primarily transporting crude oil and refined products in Texas, Oklahoma, Pennsylvania, Michigan, and several other states.¹

As a result of the inspection, the Director, Eastern Region, OPS (Director), issued a Notice of Amendment (Notice) to Respondent on July 16, 2012.² In accordance with 49 C.F.R. § 190.237, the Notice alleged certain written procedures were inadequate to assure safe operations and proposed they be amended.

Sunoco responded to the Notice on August 16, 2012, by requesting a hearing. Sunoco submitted pre-hearing materials on November 15, 2012. In accordance with § 190.211, a hearing was held on November 27, 2012, in West Trenton, New Jersey, before the Presiding Official from the Office of Chief Counsel, PHMSA. After the hearing, Respondent submitted a post-hearing brief on January 12, 2013, and a supplemental letter on February 8, 2013.

In its post-hearing materials, Respondent indicated that it no longer contested the Notice and agreed to submit amended procedures. Respondent's withdrawal of its contest authorizes the entry of this Order Directing Amendment, which finds the procedures were inadequate and orders Respondent to amend them as proposed in the Notice.

¹ Sunoco has reported pipeline system information for calendar year 2012 pursuant to 49 C.F.R. § 195.49.

² The Notice of Amendment was issued in conjunction with a separate Notice of Probable Violation (CPF No. 1-2012-5013). A Final Order concerning the Notice of Probable Violation has not yet been issued.

The Notice alleged that Respondent's procedures were inadequate with regard to § 195.402(c)(10), which states:

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

(a) *General.* Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations . . .

(10) Abandoning pipeline facilities, including safe disconnection from an operating pipeline system, purging of combustibles, and sealing abandoned facilities left in place to minimize safety and environmental hazards. For each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that crosses over, under or through commercially navigable waterways the last operator of that facility must file a report upon abandonment of that facility in accordance with § 195.59 of this part.

The Notice alleged that Respondent's procedures were inadequate because they lacked specificity for abandoning pipelines. Specifically, Sunoco's written procedure *DOT 195 Maintenance Manual, Subpart F: Operation and Maintenance, Section 195.402.c.10, Abandoning Pipeline Facilities*, only had several sentences addressing the process of abandoning pipelines. In addition, the procedures used ambiguous terms like "if practical" without providing guidance about how such terms must be implemented.

Accordingly, I find Respondent's procedures were inadequate to assure safe operations. Pursuant to 49 U.S.C. § 60108(a), Respondent is ordered to make the following revisions to its written operations and maintenance procedures:

1. Sunoco must revise its procedures to provide more specificity regarding the abandonment of pipeline facilities. Where appropriate, the procedures must provide guidance and reference supplemental procedures to ensure that personnel safely and properly abandon pipeline facilities.
2. Within 90 days following receipt of this Order, Sunoco must submit procedures that have been revised pursuant to Item 1, above. All documentation demonstrating compliance must be submitted to the Director, Eastern Region, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 820 Bear Tavern Road, Suite 103, West Trenton, NJ 08628.

The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent demonstrating good cause for an extension.

Failure to comply with this Order may result in the administrative assessment of civil penalties not to exceed \$200,000 for each violation for each day the violation continues or referral to the Attorney General for appropriate relief in a district court of the United States.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued