



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

820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628
609.989.2171

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

OVERNIGHT EXPRESS MAIL

July 16, 2012

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

CPF 1-2012-5013

Dear Mr. Justin:

On October 11, 2010, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code initiated an investigation of the accident that occurred on the 16 inch Harbor Pipeline, majority-owned by Sunoco Pipeline L.P. (Sunoco), in Mansfield Township, NJ.

A portion of the 16 inch Harbor Pipeline running along the New Jersey Turnpike in Burlington County was in the process of being relocated to accommodate the widening of the turnpike lanes. A fire started when contractor personnel were using a torch to cut a length of out-of-service pipe in the ditch approximately 300' away from newly installed in-service relocated pipe and approximately 130' from the NJ Turnpike edge of pavement. Residual product in the pipe at this former mainline valve location ignited inside the pipe. A small amount of product dripped out of the pipe and burned in the trench.

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

1. §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. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

Sunoco failed to follow its maintenance procedure titled *Operator Qualification Procedure, OQP-361, Safe Disconnect of Pipeline Facilities*, which provides instructions for the safe disconnect and draining of a pipeline section from service, permanently.

The following are instances of Sunoco's failure to follow its procedure:

- a. Paragraph 2.1. of *Safe Disconnect of Pipeline Facilities Section 2 Disconnecting by Cutting the Pipeline*, stated "[while] disconnection activities are in progress, [ensure] atmospheric monitoring indicates [no] vapors present at [all] work locations."

Sunoco's incident analysis report stated that the contractor personnel did not test for vapors on October 11, 2010. The report revealed that gas monitoring was only performed at that location two days prior to the accident. Sunoco did not provide records that demonstrated the contractor personnel monitored for vapors while performing disconnecting activity on October 11, 2010 at Mill Lane.

- b. Paragraph 2.13. of *Safe Disconnect of Pipeline Facilities Section 2 Disconnecting by Cutting the Pipeline*, stated "[obtain] mechanical pipe cutter (i.e. cold cutter), [and cut] pipe [between] bond clamps."

On October 9, 2010, the contractor personnel used an oxy-acetylene torch to cut the flanges from the pipe. Then, on October 11, 2010, the contractor personnel used an oxy-acetylene torch to cut a section of pipe. On both of these dates, these actions were inconsistent with Sunoco's procedure.

- c. Paragraph 2.10. of *Safe Disconnect of Pipeline Facilities Section 2 Disconnecting by Cutting the Pipeline*, stated "[ensure] pipeline segment to be disconnected has been sufficiently drained."

Records did not show that the contractor ensured that the pipe was "sufficiently drained" at any time during the disconnecting activity at Mill Lane; particularly, on October 11, 2010 when a release of liquid spilled onto the ground where the contractor personnel performed hot work. As a result, a fire occurred.

2. **§195.404 Maps and Records.**
- (a) ...
 - (c) **Each operator shall maintain the following records for the periods specified;**
 - (1) ...
 - (3) **A record of each inspection and test required by this subpart shall be maintained for at least 2 years or until the next inspection or test is performed, whichever is longer.**

Sunoco failed to maintain a record of gas monitoring tests that were conducted on October 9, 2010.

In accordance with Sunoco’s procedure, *Operator Qualification Procedure, OQP-361, Safe Disconnect of Pipeline Facilities*, personnel must test the atmosphere for vapors continuously during disconnecting activity. On October 9, 2010, contractors were disconnecting a flange at Mill Lane. According to Sunoco, the contractors tested the atmosphere for vapors but did not document it.

Sunoco acknowledged that the tests were not recorded.

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 \$ 100,000.00 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$ 100,000.00

Warning Items

With respect to Item 2, we have reviewed the circumstances and supporting documents involved in this case and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to promptly correct this item. Be advised that failure to do so may result in Sunoco being subject to additional enforcement action.

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

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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.

Please submit all correspondence in this matter to Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628. Please refer to **CPF 1-2012-5013** on each document you submit, and please whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

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

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