



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**

November 06, 2012

Mr. David Chalson, Vice President of Operations  
Sunoco Pipeline L.P.  
2700 West Passyunk Avenue  
Philadelphia, PA 19145

**CPF 1-2012-5019**

Dear Mr. Chalson:

On February 14, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code conducted an investigation regarding a spill that occurred on February 8, 2011, at the Darby Creek Tank Farm located in Sharon Hill, Pennsylvania. The spill was due to a corrosion leak that was located at the base of tank DC9. The leak resulted in a spill of approximately 38 barrels which was contained within the dike area.

As a result of the investigation, 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(s) are:

**1. §195.54 (b) - Accident reports.**

**(b) Whenever an operator receives any changes in the information reported or additions to the original report on DOT Form 7000-1, it shall file a supplemental report within 30 days.**

Sunoco failed to submit a Supplemental Accident Report within 30 days upon receiving changes or additions to the original report submitted using DOT Form 7000-1.

Sunoco failed to submit a Supplemental Accident Report within 30 days, as required under Section 195.54 of the code after receiving an Out-of-Service inspection report from DJA Inspection Services, Inc., dated April 20, 2011. DJA Inspection Services was contracted to inspect tank DC9 following the February 8, 2011 accident at the Darby Creek Tank Farm. The inspection report identified additional information, including the cause of the leak, which was not specified in the original Accident Report submitted, dated 3/7/2011. A PHMSA inspector notified Sunoco personnel in 2012 that a supplemental report had not been submitted for the February 8, 2011, incident at the Darby Creek Tank Farm. A Supplemental Report updating the original Accident Report information was not filed with DOT/PHMSA until April 30, 2012.

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The evidence for this violation is based on the Out-of-Service inspection report from DJA Inspection Services, Inc., dated April 20, 2011 and the supplemental accident report (Report No. 20110080-16588) submitted April 30, 2012.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 3, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation(s) and has recommended that you be preliminarily assessed a civil penalty of \$22,500 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$22,500

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. All material submit in response to this enforcement action may be 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.

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 1-2012-5019** 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](mailto: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, PE  
Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration

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