

JULY 1, 2013

Mr. Michael J. Hennigan
President and Chief Executive Officer
Sunoco Pipeline, LP
525 Fritztown Road
Sinking Spring, PA 19608

Re: CPF No. 1-2012-5021

Dear Mr. Hennigan:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and specifies actions that need to be taken by Sunoco Pipeline, LP, to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Eastern Region, this enforcement action will be closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise 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, PE, Director, Eastern Region, OPS
Mr. Alan Mayberry, Deputy Associate Administrator for Field Operations, OPS
Mr. David R. Chalson, Senior Vice President, Operations, Sunoco Pipeline L.P.

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, LP,)	CPF No. 1-2012-5021
)	
Respondent.)	
_____)	

FINAL ORDER

From May 23 – 27, 2011, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), inspected the public awareness program of Sunoco Pipeline, LP, (Sunoco or Respondent) in Sinking Spring, Pennsylvania. Sunoco operates 4,900 miles of crude oil pipelines in the southwest and midwest regions, 2,500 miles of refined products pipelines in the northeast, midwest and gulf coast regions, and 40 active terminal facilities in the northeast, southwest, and midwest regions of the United States.¹

As a result of the inspection, the Director, Eastern Region, OPS (Director), issued to Respondent, by letter dated December 3, 2012, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Sunoco had violated 49 C.F.R. § 195.440(c) and proposed ordering Respondent to take certain measures to correct the alleged violation.

Sunoco responded to the Notice by letter dated December 27, 2012 (Response). The company did not contest the allegation of violation and provided information concerning the corrective actions it planned to take. Respondent did not request a hearing and therefore has waived its right to one.

FINDING OF VIOLATION

In its Response, Sunoco did not contest the allegation in the Notice that it violated 49 C.F.R. Part 195, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 195.440(c), which states:

¹ See <http://www.sunocologistics.com/Customers/Business-Lines/52/> (last accessed June 17, 2013).

§ 195.440(c) Public awareness.

(a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, *see* § 195.3).

(b) . . .

(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

The Notice alleged that Respondent violated 49 C.F.R. § 195.440(c) by failing to follow the general program recommendations of API RP 1162 in developing and implementing a written continuing public awareness program, and failing to provide justification in its program or procedural manual as to why compliance with certain provisions of the recommended practice was not practicable and not necessary for safety. Specifically, the Notice alleged that Sunoco's written public awareness program did not include an effectiveness evaluation process as recommended by Section 8.4, "Measuring Program Effectiveness," of API RP 1162, and that Sunoco failed to complete an effectiveness evaluation to determine whether the public awareness information was reaching the intended stakeholder audiences.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.440(c) by failing to follow the general program recommendations of API RP 1162 in developing and implementing a written continuing public awareness program.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Item 1 in the Notice for violation of 49 C.F.R. § 195.440(c). Under 49 U.S.C. § 60118(a), each person who engages in the transportation of hazardous liquids or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

1. With respect to the violation of § 195.440(c) (**Item 1**), Respondent must include an analysis of whether the required public awareness information reaches the intended stakeholder audiences in its written process to assess the effectiveness of its public awareness program. Respondent must evaluate the effectiveness of the

delivery method of its most recent mailing in accordance with this written procedure. Based on the results of the evaluation, Respondent must make any necessary improvements to its public awareness program. Respondent must provide documentation showing completion of this Item within 120 days of receipt of the Final Order.

The Director may grant an extension of time to comply upon a written request timely submitted by the Respondent and 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 in referral to the Attorney General for appropriate relief in a district court of the United States.

The terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued