



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

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NOTICE OF AMENDMENT

OVERNIGHT EXPRESS DELIVERY

May 1, 2015

Steve Pankhurst
Business Unit Leader
BP USFO/Logistics
150 W. Warrenville Rd.
Naperville, IL 60563

CPF 1-2015-5006M

Dear Mr. Pankhurst,

During the week of October 27, 2014, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected BP USFO/Logistics' procedures for fire extinguishers in Carteret, NJ.

On the basis of the inspection, PHMSA has identified the apparent inadequacy found within BP USFO/Logistics' (BP) plans or procedures, as described below:

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.

BP's procedures are inadequate in that they do not provide sufficient guidance regarding the applicability of NFPA 10 - Standard for Portable Fire Extinguishers nor do they provide sufficient guidance on how to document fire extinguisher inspections.

During the inspection, a PHMSA inspector reviewed the following procedures provided by BP:

1. *Generic Maintenance Strategy Fire Detection, Alarm & Suppression Systems*, USPL-GMS-016-023 July 2013
2. *Fire Extinguishers Inspection and Maintenance Procedure*, USPL-MAN-732-080, July 30, 2018

The *Generic Maintenance Strategy*, section 2.3, states in part that: "The standards below cover equipment found at USPL facilities, contain recommended guidance on maintenance methods and frequencies, and are applicable to the scope of this general strategy:

- a. NFPA 10 Standard for Portable Fire Extinguishers."

The *Generic Maintenance Strategy* does not specifically address what portions of NFPA 10 apply and portions of the *Generic Maintenance Strategy* appear to contradict the guidance in NFPA 10. For example, the *Generic Maintenance Strategy*, section 6.0a, states in part that: "A log may be kept instead of using the tag system" while NFPA 10 Paragraph 7.3.3. states in part that "Each fire extinguisher shall have a tag or label securely attached.

The *Fire Extinguishers Inspection and Maintenance Procedure* does not provide sufficient guidance on conducting fire extinguisher inspections, such as:

1. What inspection data must be captured, where is the data stored and who is responsible for collecting the data?
2. What deficiencies must be remediated, what is the timeframe for remediation, how is the timeframe for remediation determined and who determines it?

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. 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.

If, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 60 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that BP maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Byron Coy, PE, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 1-2015-5006M M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Additionally, if you choose to respond to this (or any other case), please ensure that any response letter pertains solely to one CPF case number.

Sincerely,



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

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