



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 AMENDMENT

### OVERNIGHT EXPRESS DELIVERY

July 24, 2015

Mr. John Roller  
VP, Terminal Operations  
NuStar Terminals Operations Partnership L.P.  
19003 IH-10 West  
San Antonio, TX 78257

**CPF 1-2015-5011M**

Dear Mr. Roller:

On November 18-20, 2014, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected NuStar Terminals Operations Partnership L.P. pipeline facility at Andrews Air Force Base in Clinton, Maryland.

On the basis of the inspection, PHMSA has identified the apparent inadequacy found within NuStar's plans or procedures, as described below:

- 1. § 195.402 Procedural manual for operations, maintenance, 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:**
    - (3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.**

NuStar did not have adequate procedures in its Operations and Maintenance Manual for conducting normal operations and maintaining pipeline markers at locations on the right-of-way along Suitland Parkway, MD at the NuStar Andrews Air Force Base location as required by 195.410(c).

Per 195.410(c), “Each Operator shall provide line marking at locations where the line is above ground in areas that are accessible to the public.” During the inspection on 11/19/2014, the PHMSA inspector viewed the pipeline right-of-way along Andrews Air Force Base and Suitland Parkway in Clinton, Maryland and found the following:

1. NuStar’s pipeline stickers are located intermittently throughout the 11.2 mile pipeline.
2. Along the pipeline right-of-way, there were several areas where the Operator had pipeline stickers which were adhered to the roadway in areas that a line marker would be impracticable.
3. NuStar stated during the inspection on 11/18/14 to 11/20/14, that it does not have procedures related to or including the use of pipeline stickers.

NuStar’s procedure, Section 306 Pipeline Markers and Signs, Section 3.1.1(11). revised 12/30/11, states that “Line markers are not required in heavily developed urban areas such as downtown business centers where 1) the placement of markers is impractical, 2) markers would not serve the purpose for which markers are intended, and 3) the local government maintains current substructure records. If deemed necessary, however, indicate the presence of the pipeline with stenciled markings, cast monuments, plaques, signs, curb markers, or other devices installed on curbs, sidewalks, streets, building facades, or wherever practicable.”

The procedure does not provide details on:

1. The use of pipeline stickers such as where the pipeline stickers must be located, and how are they installed, inspected and maintained.
2. How NuStar determines if the placement of line markers is impractical and who must make that determination.

In addition, there is no criteria for applying the terms “if deemed necessary” or “wherever practicable.”

#### 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 NuStar Terminals Operations Partnership L.P. 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 1-2015-5011M** 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*