

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

OVERNIGHT EXPRESS DELIVERY

October 5, 2018

Mr. Thomas Hardison
President
Portland Pipe Line Corporation
30 Hill Street
South Portland, ME 04106

CPF 1-2018-5029

Dear Mr. Hardison:

From August 6-10, 2018, 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 (U.S.C.) inspected Portland Pipe Line Corporation's (Portland) pipeline system in South Portland, Maine.

As a result of the inspection, it is alleged that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violation(s) 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.**

Portland failed to follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. Specifically, Portland failed to follow its written procedures for performing and documenting its pressure limiting and relief device inspections, per § 195.428(a).

Portland’s *Portland-Montreal Pipe Line System Operations & Maintenance Procedures, Section 6.7 - Critical Systems and Equipment*, dated 11/10/16 (Procedure) states, “To ensure that relief valves will relieve at the specified set pressure when needed, information must be documented regarding the condition of the relief valve before and after the testing, that is, the “as-found” and “as-left” conditions. Testing documentation is recorded on the Protective Device Testing records and must include the specified set pressure, the as-found set pressure, and the as-left set pressure, along with the identity of the test technician and the date of the test. The acceptable as-found and as-left set pressures have been defined by engineering to ensure continued reliable safe operations, and are defined in this section, CMMS, or on the test record documentation forms. The acceptable as-left set pressures are defined within narrow tolerances to ensure acceptable protection to the MOP. The acceptable as-found set pressures are defined to ensure that relief valves continue to provide reliable, repeatable performance between testing intervals.”

During the inspection, the PHMSA inspector reviewed 24” Main Line Pumping Station Protective Device Testing records, dated 2016 – 2017. The records showed the protective device data did not indicate the required as found and as left conditions for the following number of instances:

- 2016 – 17
- 2017 – 42

The PHMSA inspector asked Portland why the data was blank on the applicable records and Portland stated, “The information would be documented in the remarks section of the record form.” The Records, however, did not indicate any information for the missing 59 instances regarding the as found and as left pressures.

Therefore, Portland failed to follow its written procedures for performing inspections of overpressure protection devices, as required by § 195.402(a).

Proposed Civil Penalty

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$209,002 per violation per day the violation persists, up to a maximum of \$2,090,022 for a related series of violations. For violations occurring prior to November 2, 2015, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$2,000,000 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 \$30,900 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$30,900

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).

Following the receipt of this Notice, you have 30 days to submit written comments, or request a hearing under 49 CFR § 190.211. 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 you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from the receipt of this Notice. This period may be extended by written request for good cause.

Please submit all correspondence in this matter to Robert Burrough, Director, PHMSA Eastern Region, 840 Bear Tavern Road, Suite 300, West Trenton, New Jersey 08628. Please refer to **CPF 1-2018-5029** on each document you submit, and whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to robert.burrough@dot.gov. Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

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.

Please note: effective September 24, 2018, the PHMSA Eastern Region, Office of Pipeline Safety, moved. Our new address is:

**PHMSA, Eastern Region, Office of Pipeline Safety
840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628**

Sincerely,

Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

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