



May 1, 2020

Via: Electronic Mail & FedEx

Rob Burrough, Director
Eastern Region
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628

Re: Sunoco Pipeline L.P.
Notice of Probable Violation and Proposed Civil Penalty
CPF 1-2020-5001

Dear Mr. Burrough:

Pursuant to 49 C.F.R. Part 190.208, Sunoco Pipeline L.P. (SPLP or Company) submits this written response to a Notice of Probable Violation (NOPV) and Proposed Civil Penalty (PCP) issued on March 27, 2020, by the Pipeline and Hazardous Materials Safety Administration (PHMSA). PHMSA's NOPV alleges two (2) violations and includes a PCP of \$165,100. The NOPV was received by SPLP on March 30, 2020.

On March 30, 2020, SPLP requested PHMSA to provide the Case File and Civil Penalty Worksheet. PHMSA provided such on April 3, 2020 via electronic mail and also provided SPLP 30 days following receipt to submit written comments, thus this response is timely. SPLP provides this written response to (1) respond to both allegations in the NOPV and (2); indicate that the PCP will be paid in full.

PHMSA NOPV

By way of background, this enforcement action was issued following an inspection of the SPLP pipeline system in Pennsylvania and New Jersey over the dates of April 1 – August 16, 2019.

The two (2) allegations in the NOPV concern valve maintenance and the qualification program requirements set forth in 49 C.F.R. Part 195.420 and 195.505 respectively. Specifically, PHMSA alleges that SPLP failed to inspect three (3) mainline valves on the 16" crude oil pipeline between Darby Creek Tank Farm and Girard Point in Pennsylvania between 2017 and 2018 and also that SPLP failed to ensure that two (2) employees were qualified to conduct monthly breakout tank visual inspections at the Company's Paulsboro and Marcus Hook breakout tank facilities between 2016 and 2019.

With respect to the alleged violation of 49 C.F.R. Part 195.420, PHMSA proposes to issue SPLP a PCP of \$128,500. While SPLP neither admits nor denies the allegation of violation of 49 C.F.R. Part 195.420, the Company is not contesting the NOPV nor the associated PCP. The three (3) mainline valves were inspected on June 13, 2019 and are in the Company maintenance program. Since that time these valves have been and will continue to be inspected according to the requirements of 195.420.



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With respect to the alleged violation of 49 C.F.R. Part 195.505, PHMSA proposes to issue SPLP a PCP of \$36,600. While SPLP neither admits nor denies the allegation of violation of 49 C.F.R. Part 195.505, the Company is not contesting the NOPV nor the associated PCP. As noted by PHMSA in its NOPV, both individuals had previously been qualified to perform monthly breakout tank visual inspections under the Company's Operator Qualification Plan, however due to clerical errors, both of the individuals qualification for this particular covered task had lapsed during the timeframes specified by PHMSA. The Company Operator Qualification Program now requires annual work history and documentation review to be performed for qualified individuals. This process will ensure that the clerical oversights such as those that led to the alleged violation of 195.505 will be identified and rectified in a timely manner going forward.

SPLP has made payment of the PCP via wire transfer on April 30, 2020 and reference number 0430I1B7033R008342 was provided. This payment authorizes PHMSA to issue the Final Order and close the case. SPLP shares PHMSA's commitment to pipeline safety, public safety, and pipeline integrity and appreciates PHMSA's consideration of this response.

Sincerely,

Greg McIlwain
SVP - Operations
Energy Transfer Partners

cc: Todd Stamm, VP - Operations
Matt Gordon, Sr. Director - Operations
Mark Milliken, VP – Technical Services
Danny Nichols, Sr. Director Regulatory Compliance
Dawn McGuire, Esq., Assistant General Counsel, ET