U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

233 Peachtree Street Ste. 600
Atlanta, GA 30303

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 14, 2008

Robert L. Rose
President
Tampa Pipeline Corporation
P.O .Box 35236
Sarasota, FL 34242

CPF 2-2008-6001M

Dear Mr. Rose:

Between July 30 and August 2, 2007, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Tampa Bay Pipeline Company (TBPL) procedures for operations, maintenance and emergencies in Tampa, Florida.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within TBPL's 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. . . .

   §195.422 Pipeline repairs.
   . . . (b) No operator may use any pipe, valve, or fitting, for replacement in repairing pipeline facilities, unless it is designed and constructed as required by this part.

§195.226 Welding: Arc burns.
(a) Each arc burn must be repaired.
(b) An arc burn may be repaired by completely removing the notch by grinding, if the grinding does not reduce the remaining wall thickness to less than the minimum thickness required by the tolerances in the specification to which the pipe is manufactured. If a notch is not repairable by grinding, a cylinder of the pipe containing the entire notch must be removed.
(c) A ground may not be welded to the pipe or fitting that is being welded.

A. TBPL welding repair procedures do not address arc burns, as required of:
1. §195.226(a),
2. §195.226(b), and
3. §195.226(c).

§195.230 Welds: Repair or removal of defects.
(a) Each weld that is unacceptable under §195.228 must be removed or repaired. Except for welds on an offshore pipeline being installed from a pipe lay vessel, a weld must be removed if it has a crack that is more than 8 percent of the weld length.
(b) Each weld that is repaired must have the defect removed down to sound metal and the segment to be repaired must be preheated if conditions exist which would adversely affect the quality of the weld repair. After repair, the segment of the weld that was repaired must be inspected to ensure its acceptability.
(c) Repair of a crack, or of any defect in a previously repaired area must be in accordance with written weld repair procedures that have been qualified under §195.214. Repair procedures must provide that the minimum mechanical properties specified for the welding procedure used to make the original weld are met upon completion of the final weld repair.

B. TBPL welding repair procedures do not address the repair or removal of defects, as required of:
1. §195.230(a),
2. §195.230(b), and
3. §195.230(c).

§195.266 Construction records.
A complete record that shows the following must be maintained by the operator involved for the life of each pipeline facility:
(a) The total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld.

C. TBPL welding repair procedures do not require records of the total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld, to be maintained for the life of each pipeline facility.

§195.310 Records.
(a) A record must be made of each pressure test required by this subpart, and the record of the latest test must be retained as long as the facility tested is in use.
(b) The record required by paragraph (a) of this section must include:
(1) The pressure recording charts;
. . . (3) The name of the operator, the name of the person responsible for making the test, and the name of the test company used, if any;
. . . (8) An explanation of any pressure discontinuities, including test failures, that appear on the pressure recording charts. . . .

D. TBPL pressure testing procedures do not require the following:

1. The record of the latest test must be retained as long as the facility tested is in use, as required of §195.310(a).

2. The test record must include the pressure recording charts, as required of §195.310(b)(1).

3. The test record must include the name of the test company used, if any as required of §195.310(b)(3).

4. The test record must include an explanation of any pressure discontinuities, including test failures that appear on the pressure recording charts as required of §195.310(b)(8).

2. §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.

§195.404 Maps and records.
. . . (b) Each operator shall maintain for at least 3 years daily operating records that indicate–
. . . (2) Any emergency or abnormal operation to which the procedures under §195.402 apply.

A. TBPL abnormal operations procedures are not specific as to where or how daily operating records indicating certain abnormal operation are to be documented. Such records could include, as applicable to §195.402 (but not limited to) communication failure, un-intended valve closure, un-intended shutdown, operation of a safety device, operator responses, etc.

§195.406 Maximum operating pressure.
(a) Except for surge pressures and other variations from normal operations, no operator may operate a pipeline at a pressure that exceeds any of the following:

(1) The internal design pressure of the pipe determined in accordance with §195.106. However, for steel pipe in pipelines being converted under §195.5, if one or more factors of the design formula (§195.106) are unknown, one of the following pressures is to be used as design pressure:
(i) Eighty percent of the first test pressure that produces yield under section N5.0 of appendix N of ASME B31.8, reduced by the appropriate factors in §§195.106(a) and (e); or
(ii) If the pipe is 12¾ in (324 mm) or less outside diameter and is not tested to yield under this paragraph, 200 p.s.i. (1379 kPa) gage.
(2) The design pressure of any other component of the pipeline.
(3) Eighty percent of the test pressure for any part of the pipeline which has been pressure tested under Subpart E of this part.
(4) Eighty percent of the factory test pressure or of the prototype test pressure for any individually installed component which is excepted from testing under §195.305.
(5) For pipelines under §§195.302 (b)(1) and (b)(2)(i) that have not been pressure tested under subpart E of this part, 80 percent of the test pressure or highest operating pressure to which the pipeline was subjected for 4 or more continuous hours that can be demonstrated by recording charts or logs made at the time the test or operations were conducted.

B. TBPL procedures do not convey the methodology required of §195.406(a) for determining pipeline Maximum Operating Pressure.

§195.422 Pipeline repairs.
. . . (b) No operator may use any pipe, valve, or fitting, for replacement in repairing pipeline facilities, unless it is designed and constructed as required by this part.

C. TBPL procedures do not address the specific requirements of §195.422(b). Section 4.17.0 Operations & Maintenance Procedure Manual conveys ". . . repair parts and materials be properly designed and constructed. . . ." There is no reference to the applicable design and construction subparts of Part 195 (Subparts C and D, respectively). Although TBPL procedures address some sections under these subparts such as welding, procedures should as a minimum reference Part 195 Subparts C and D.

§195.434 Signs.
Each operator must maintain signs visible to the public around each pumping station and breakout tank area. Each sign must contain the name of the operator and a telephone number (including area code) where the operator can be reached at all times.

D. TBPL procedures do not require signs to be maintained <u>around</u> each pump station.

§195.438 Smoking or open flames.
Each operator shall prohibit smoking and open flames in each pump station area and each breakout tank area where there is a possibility of the leakage of a flammable hazardous liquid or of the presence of flammable vapors.

E. TBPL procedures do not address prohibition of smoking and open flames at Hartford Pump Station (includes one (ea) propane and gasoline tank) and at Lithia Booster Station (includes a propane tank).

> **§195.561 When must I inspect pipe coating used for external corrosion control?**
> **(a) You must inspect all external pipe coating required by §195.557 just prior to lowering the pipe into the ditch or submerging the pipe.**
> **(b) You must repair any coating damage discovered.**

F. TBPL corrosion control procedures do not address the requirements of §195.561.

> **§195.563 Which pipelines must have cathodic protection?**
> **(a) Each buried or submerged pipeline that is constructed, relocated, replaced, or otherwise changed after the applicable date in §195.401(c) must have cathodic protection. The cathodic protection must be in operation not later than 1 year after the pipeline is constructed, relocated, replaced, or otherwise changed, as applicable.**

G. TBPL cathodic protection procedures do not address the requirement for cathodic protection to be in operation not later than 1 year after the pipeline is constructed, relocated, replaced, or otherwise changed.

> **§195.573 What must I do to monitor external corrosion control?**
> **(a) *Protected pipelines.* You must do the following to determine whether cathodic protection required by this subpart complies with §195.571:**
> **. . . (2) Identify not more than 2 years after cathodic protection is installed, the circumstances in which a close-interval survey or comparable technology is practicable and necessary to accomplish the objectives of paragraph 10.1.1.3 of NACE Standard RP 0169 (incorporated by reference, see §195.3).**

H. TBPL corrosion control procedures do not identify the circumstances and timeframe required of §195.573(a)(2).

> **§195.573 What must I do to monitor external corrosion control?**
> **. . . (c) *Rectifiers and other devices.* You must electrically check for proper performance each device in the first column at the frequency stated in the second column.**

Device	Check Frequency
Rectifier Reverse current switch Diode Interference bond whose failure would jeopardize structural protection	At least six times each calendar year, but with intervals not exceeding 2 ½ months

I. TBPL corrosion control monitoring procedures do not require electrical checks of the devices referenced in §195.573(c) at a frequency of at least six times each calendar year, but with intervals not exceeding 2 ½ months.

> **§195.573 What must I do to monitor external corrosion control?**
> **. . . (e) *Corrective action.* You must correct any identified deficiency in corrosion control as required by §195.401(b). However, if the deficiency involves a pipeline in an integrity management program under §195.452, you must correct the deficiency as required by §195.452(h).**
>
> **[§195.401 General requirements.**
> **. . . (b) Whenever an operator discovers any condition that could adversely affect the safe operation of its pipeline system, it shall correct it within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the operator may not operate the affected part of the system until it has corrected the unsafe condition.]**

J. TBPL's operation and maintenance procedures do not require corrective actions to be taken as required of §195.573(e) to correct certain identified deficiencies in corrosion control. Procedures do not convey the actions to be taken, and when to take such actions, to correct external corrosion discovered on buried pipe or on pipe exposed to the atmosphere that 1) could adversely affect the safe operation of its pipeline system requiring a reasonable time to correct, or, 2) presents an immediate hazard to persons or property.

> **§195.585 What must I do to correct corroded pipe?**
> **(a) *General corrosion.* If you find pipe so generally corroded that the remaining wall thickness is less than that required for the maximum operating pressure of the pipeline, you must replace the pipe. However, you need not replace the pipe if you –**
> **(1) Reduce the maximum operating pressure commensurate with the strength of the pipe needed for serviceability based on actual remaining wall thickness; or**

(2) Repair the pipe by a method that reliable engineering tests and analyses show can permanently restore the serviceability of the pipe.
(b) *Localized corrosion pitting.* If you find pipe that has localized corrosion pitting to a degree that leakage might result, you must replace or repair the pipe, unless you reduce the maximum operating pressure commensurate with the strength of the pipe based on actual remaining wall thickness in the pits.

K. TBPL's operation and maintenance procedures do not include corrective actions for pipe found to be generally corroded or found to have localized corrosion pitting as described in §195.585.

§195.587 What methods are available to determine the strength of corroded pipe?
Under §195.585, you may use the procedure in ASME B31G, "Manual for Determining the Remaining Strength of Corroded Pipelines," or the procedure developed by AGA/Battelle, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe (with RSTRENG disk)," to determine the strength of corroded pipe based on actual remaining wall thickness. These procedures apply to corroded regions that do not penetrate the pipe wall, subject to the limitations set out in the respective procedures.

L. TBPL's operation and maintenance procedures do not describe or reference any methods to use to determine the strength of corroded pipe.

3. **§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:
. . . (11) Minimizing the likelihood of accidental ignition of vapors in areas near facilities identified under paragraph (c)(4) of this section where the potential exists for the presence of flammable liquids or gases.

TBPL's procedures do not provide for minimizing the likelihood of accidental ignition of vapors at Hartford and Lithia Booster pump stations. These pump stations have gasoline and/or propane tanks on site and are identified in TBPL's procedures as located in areas requiring immediate emergency response.

4. **§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:
. . . (13) Periodically reviewing the work done by operator personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

TBPL's procedures are not clear as to when and how work done by operator personnel is to be reviewed to determine the effectiveness of procedures, and where results of the review(s) are documented. Procedures (see below) only convey that the General Manager will be responsible for performing this task. "Reviewing the work done" could include, but is not limited to, inspection of facilities to assure inspection records accurately reflect the condition of the facilities, observation of personnel (including contract personnel) performing operation and maintenance tasks, etc.

TBPL O& M Procedure Manual Section 4.1(B) *Review*:
The general Manager will be responsible for reviewing the work done by TBPL personnel to determine the effectiveness of the procedures used in normal operations and maintenance activities and taking corrective action where deficiencies are found.

5. §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:
. . . (14) Taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available when needed at the excavation, emergency rescue equipment, including a breathing apparatus and, a rescue harness and line.

TBPL's procedures do not address the requirement to take adequate precautions in excavated trenches to protect personnel, as required of §195.402(c)(14).

6. §195.402 Procedural manual for operations, maintenance, and emergencies.

. . . (d) *Abnormal operation*. The manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded:
(1) Responding to, investigating, and correcting the cause of:
. . . (iv) Operation of any safety device;

TBPL's abnormal operation procedures do not include the requirements to respond to, investigate, and correct the cause of operation of a relief device when operating design limits have been exceeded.

7. §195.402 Procedural manual for operations, maintenance, and emergencies.

. . . (d) *Abnormal operation*. The manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded:
. . . (5) Periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found.

TBPL's abnormal operation procedures do not convey the frequency the General Manager is to review personnel responses to abnormal operations, or where the reviews are documented. "Reviewing the response of operator personnel" could include, but is not necessarily limited to, reviewing personnel responses to actual or simulated abnormal operating conditions.

TBPL O& M Procedure Manual Section 5.6.0 *Review:*
As required by Title 49 CFR Part 195.402(d)(2)(5), periodic review to determine the effectiveness of the abnormal operating procedures will be performed. After the review, the procedures should be revised and/or corrected by the appropriate management personnel.

8. §195.440 Public awareness.

. . . (b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

TBPL's written public education program does not follow the general program recommendations of API RP 1162 Appendix D, section *D-1.1 Targeted Distribution of Print Materials.*

Operations & Maintenance Procedural Manual Section 4.7.0 *Public Awareness* (TBPL program) specifies the *Targeted distribution of print materials* method is to be used to deliver baseline messages to the *Affected Public* (*individuals living, working, or congregating near pipeline*), at a frequency of two (2) years. The TBPL program requires the use of local news media for notification of individuals living or working near the pipeline in Hillsborough and Polk Counties; however, this requirement does not follow the guidance provided in API RP 1162 relating to the *Targeted distribution of print materials* method. API RP 1162 Appendix D, section *D-1.1 Targeted Distribution of Print Materials* does not convey any delivery method other than mailings or hand-outs. No documentation was provided during the inspection indicating that TBPL has mailed or provided hand-outs of the baseline message to *individuals living, working, or congregating near pipeline*. The effective date of the TBPL program is 11/29/05.

9. §195.442 Damage prevention program.

. . . (c) The damage prevention program required by paragraph (a) of this section must, at a minimum:
. . . (6) Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:
(i) The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and
(ii) In the case of blasting, any inspection must include leakage surveys.

TBPL's damage prevention program (Section 4.7.1, Operations & Maintenance Procedure Manual) does not require inspection of pipelines that an operator has reason to believe could be damaged by excavation activities as frequently as necessary after the activities, as follows.

A. Procedures do not address inspection of pipelines that TBPL has reason to believe could be damaged by excavation activities where there is observed evidence that an excavator has excavated across the pipeline without TBPL's knowledge, and the pipeline could be damaged.(§195.442(c)(6)(i))
B. Procedures do not address the requirements of §195.442(c)(6)(ii).

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 30 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.

In correspondence concerning this matter, please refer to **CPF 2-2008-6001M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Mohammed Shoaib
Acting Director, Southern Region
Pipeline and Hazardous Materials Safety Administration

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