

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 9, 2020

Mr. Wayne Simmons
Chief Operating Officer-Products Pipelines
Central Florida Pipeline Corp.
Kinder Morgan
1001 Louisiana St., Suite 1000
Houston, TX 77002

CPF 2-2020-6003W

Dear Mr. Simmons:

From July 15, 2019, through August 19, 2019, representatives 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 the Central Florida Pipeline Corporation (CFPL) refined products pipeline from Tampa to Orlando, Florida. CFPL is a subsidiary of Kinder Morgan.

As a result of the inspection, it is alleged that CFPL has committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violations are:

1. §195.52 Immediate notice of certain accidents.

(a) Notice requirements. At the earliest practicable moment following discovery, of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in § 195.50, but no later than one hour after confirmed discovery.

CFPL failed to comply with the regulation because it did not, at the earliest practicable moment following discovery, of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in § 195.50, but no later than one hour after confirmed discovery. § 195.2 defines “confirmed discovery” as “when it can be reasonably determined,

based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation.”

PHMSA’s review revealed that on February 7, 2019, CFPL personnel preliminarily identified a release of 270 gallons of jet fuel at CFPL’s Hemlock Pump Station in Tampa, Florida. CFPL did not notify the NRC of the release until February 8, 2019 (NRC Incident Report #1237194).

2. §195.428 Overpressure safety devices and overfill protection systems.

(a) Except as provided in paragraph (b) of this section, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, or in the case of pipelines used to carry highly volatile liquids, at intervals not to exceed 7 1/2 months, but at least twice each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

CFPL failed to comply with the regulation because it did not, at intervals not exceeding 15 months, but at least once each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

During the inspection, PHMSA personnel reviewed records documenting CFPL’s inspection of overpressure safety devices at its Hemlock Pump Station in Tampa, Florida. PHMSA’s review revealed that CFPL inspected the pump station discharge, line pressure and suction pressure control devices (transmitters) on July 18, 2017. The subsequent inspection of the same devices occurred on October 30, 2018, exceeding the maximum 15-month interval by 12 days.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022. 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. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the items identified in this letter. Failure to do so will result in Central Florida Pipeline Corporation being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 2-2020-6003W**. 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).

Sincerely,

James A. Urisko
Director, Office of Pipeline Safety
PHMSA, Southern Region