

## NOTICE OF AMENDMENT

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 27, 2017

Mr. Larry Wall, COO Gas Infrastructure  
USG Wheatland Pipeline, LLC  
601 Travis Street  
Houston, TX 77002

**CPF 3-2017-6005M**

Dear Mr. Wall:

On May 10-12, 2016, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected USG Wheatland Pipeline, LLC procedures for operations, maintenance, public awareness and operator qualifications in Williston, North Dakota.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within USG Wheatland Pipeline, LLC (Wheatland) plans or procedures, as described below:

**1. §195.402 Procedural manual for operations, maintenance, and emergencies.**

**(e) Emergencies. The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an emergency condition occurs;**

**(1) Receiving, identifying, and classifying notices of events which need immediate response by the operator or notice to fire, police, or other appropriate public officials and communicating this information to appropriate operator personnel for corrective action.**

Wheatland's Emergency Response Procedures (ERP) do not include provisions to classify events for immediate response. Wheatland must amend its ERP to include procedures for classifying events which need immediate response.

**2. §195.440 Public awareness**

**(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.**

Wheatland's public awareness written plan is inadequate because it is missing some of the baseline messages, especially the public official section which is missing emergency communications and other messages as required in API RP 1162. The written plan's effectiveness evaluation section is also missing the following items:

- Margin of error for surveys
- Sample sizes for surveys
- Pretesting of materials
- Picking bottom line results value
- Methodology for the four required effectiveness measures in RP 1162

Wheatland must amend its public awareness procedures to include all required baseline messages for all required audiences and also to include all bulleted items above.

**3. §195.234 Welds: Nondestructive testing.**

**(e) All girth welds installed each day in the following locations must be nondestructively tested over their entire circumference, except that when nondestructive testing is impracticable for a girth weld, it need not be tested if the number of girth welds for which testing is impracticable does not exceed 10 percent of the girth welds installed that day:**

- (1) At any onshore location where a loss of hazardous liquid could reasonably be expected to pollute any stream, river, lake, reservoir, or other body of water, and any offshore area;**
- (2) Within railroad or public road rights-of-way;**
- (3) At overhead road crossings and within tunnels;**
- (4) Within the limits of any incorporated subdivision of a State government; and,**

**(5) Within populated areas, including, but not limited to, residential subdivisions, shopping centers, schools, designated commercial areas, industrial facilities, public institutions, and places of public assembly.**

**(f) When installing used pipe, 100 percent of the old girth welds must be nondestructively tested.**

**(g) At pipeline tie-ins, including tie-ins of replacement sections, 100 percent of the girth welds must be nondestructively tested.**

Wheatland's Operations & Maintenance Manual, Section 5.3.6.10 Nondestructive Testing, states that the acceptability of welds will be determined according to API 1104, Section 9. API 1104 Section 9 does not cover the sampling requirement to non-destructively test welds that is noted in the consideration. Wheatland must amend its O&M manual to include all required NDT sampling requirements of §195.234.

#### Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under §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 an Order Directing Amendment. If 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. § 190.206). 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.

It is requested (not mandated) that Wheatland maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision

of plans, procedures) and submit the total to Allan Beshore, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 3-2017-6005M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Allan C. Beshore  
Director, Central Region, OPS  
Pipeline and Hazardous Materials Safety Administration

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