



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 South Gessner, Suite 1110
Houston, TX 77074

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 14, 2016

Leonard Bloom
Director of Pipelines
Western Refining Pipeline, LLC
111 County Road 4990
Bloomfield, New Mexico 87413

CPF 4-2016-5004M

Dear Mr. Bloom:

On April 15, 2015, Western Refining Pipelines experienced a crude oil release in Eddy County, New Mexico. As a result, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code conducted an accident investigation and reviewed Western Refining Pipeline's Operations and Maintenance procedures related to the activity being performed that day in Eddy County, New Mexico.

As a result of the investigation, PHMSA has identified the apparent inadequacy found within Western Refining Pipeline's procedures, as described below:

- 1. 195.402 – Procedural Manual for Operations and 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.**

In February 2015, Western developed a Crude Oil Fill Plan for the San Ysidro to Placitas to Pecan to Tee Station. On April 15, 2015, while filling the Mesquite Station to T-Station pipeline, Western experienced a release of 50 barrels of crude oil at the T-Station using an inadequate fill plan.

Western's Operations and Maintenance Manual, Sections 7.2 – 7.4 detail maintenance procedures, including the startup and shut down of pipeline facilities. Western's procedures do not contain specific procedures for creating a fill plan or the required components of such a plan. Failure to have a procedure allows for the completion of an operation and maintenance task without guidance or direction.

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 [number of days] 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 Western maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Rod Seeley, Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 4-2016-5004M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



 R.M. Seeley
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

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