

## NOTICE OF AMENDMENT

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 3, 2017

Robert Shain  
Senior Vice President of Engineering  
Frontier Energy Services, L.L.C.  
4200 E. Skelly Drive, Suite 400  
Tulsa, Oklahoma 74135

**CPF 4-2017-5018M**

Dear Mr. Shain:

On February 6, 2017, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Frontier Energy Services LLC's procedures for notification of accidents to PHMSA and the National Response Center.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Frontier's plans or procedures, as described below:

#### **1. §195.50 Reporting Accidents.**

**An accident report is required for each failure in a pipeline system subject to this part in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:**

**(b) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if the release is:**

**(2) Not one described in §195.52(a)(4)**

Frontier's emergency response procedure contains an incorrect definition of a reportable accident as described in §195.50(b)(2). Frontier's written definition of an accident (*Liquid Pipeline Operations, Maintenance & Emergency Manual, Section 19.6 Accident Definition, Page 19-5*) provides an exclusion under 19.6 2B for a condition that does not require notification. Frontier's procedures 19.6 2B excludes reporting for a leak which meets the description in §195.52(a)(4) for "any failure that resulted in pollution of any stream, river, lake reservoir, or other similar body of water that violated applicable water quality standards..." Frontier must modify their procedures to eliminate the incorrect exception.

## 2. §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, the operator of the system must give notice, in accordance with paragraph (b) of this section of any failure that:

- (1) Caused a death or a personal injury requiring hospitalization;**
- (2) Resulted in either a fire or explosion not intentionally set by the operator;**
- (3) Caused estimated property damage, including cost of cleanup and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000;**
- (4) Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines; or**
- (5) In the judgment of the operator was significant even though it did not meet the criteria of any other paragraph of this section.**

Frontier's emergency response procedure includes an incorrect definition of accidents requiring an immediate notification. Frontier's written telephonic notification procedure (*Liquid Pipeline Operations, Maintenance & Emergency Manual, Section 19.12, Page 19-11*) includes a definition of an accident requiring immediate notification that does not meet the requirements of §195.52(a). Specifically, it does not require notification in the event of an injury requiring hospitalization, nor notification in the event of water pollution as described in §195.52(a)(4).

## 3. §195.52 Immediate notice of certain accidents

**(b) Information required.** Each notice required by paragraph (a) of this section must be made to the National Response Center either by telephone to 800-424-8802 (in Washington, DC, 202-267-2675) or electronically at <http://www.nrc.uscg.mil> and must include the following information:

- (6) Initial estimate of amount of product released in accordance with paragraph (c) of this section**

Frontier's written telephonic notification procedure (*Liquid Pipeline Operations, Maintenance & Emergency Manual, Section 19.12, Page 19-11*) does not include the requirement to provide an initial estimate of the amount of product released. The procedure does not specify that the telephonic notification provide an initial estimate as required by 195.52(b)(6), nor does it reference a written procedure to estimate the amount of product released.

#### 4. §195.52 Immediate notice of certain accidents

**(d) *New information.* Within 48 hours after the confirmed discovery of an accident, to the extent practicable, an operator must revise or confirm its initial telephonic notice required in paragraph (b) of this section with a revised estimate of the amount of product released, location of the failure, time of the failure, a revised estimate of the number of fatalities and injuries, and all other significant facts that are known by the operator that are relevant to the cause of the accident or extent of the damages. If there are no changes or revisions to the initial report, the operator must confirm the estimates in its initial report.**

Frontier's written telephonic notification procedure (*Liquid Pipeline Operations, Maintenance & Emergency Manual, Section 19.12, Page 19-11*) does not include the requirement to revise or confirm their initial telephonic notice within 48 hours of discovery.

#### 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 Frontier Energy Services LLC maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Terri J. Binns, Acting Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 4-2017-5018M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Terri J. Binns  
Acting Director, Southwest Region  
Pipeline and Hazardous Materials Safety Administration

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