



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 S. Gessner, Suite 630
Houston, TX 77074

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 20, 2017

Mr. Frank Cassulo
President
Whitecap Pipeline Company L.L.C
1400 Smith Street
Houston, TX 77002

CPF 4-2017-7006W

Dear Mr. Cassulo:

From May 16-19, 2017, and July 10-13, 2017, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected your Whitecap Pipeline Company (Whitecap) procedures for operation and maintenance in Houston, Texas.

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

1. §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.

Whitecap failed to correctly document the review of work done by personnel to determine the effectiveness of the procedures used in normal operation and maintenance, as required by §195.402(c) (13).

During the Inspection, PHMSA Inspectors requested records of effectiveness review of procedures used in normal operation and maintenance, Whitecap provided the QAC form checklist to the inspectors. After reviewing the QAC form, inspectors determined that the documentation in the QAC form was inadequate to demonstrate that work done by operator's personnel was reviewed to determine the effectiveness of the procedures used for normal operation and maintenance. The QAC form reviewed, in its present format only showed the covered task being performed by the personnel, it did not reflect that the procedure used to complete the covered task was evaluated for effectiveness. Whitecap should amend the documentation of its QAC form and include more information to reflect that, work done by personnel are being evaluated to determine the effectiveness of procedures used in normal operation and maintenance.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$209,002 per violation per day the violation persists up to a maximum of \$2,090,022 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 item identified in this letter. Failure to do so will result in Whitecap 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 4-2017-7006W**. 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,



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