



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

8701 S. Gessner, Suite 630
Houston TX 77074

WARNING LETTER

ELECTRONIC MAIL - RETURN RECEIPT REQUESTED

March 21, 2022

Sean Kolassa
President
Harvest Midstream Company
1111 Travis Street
Houston, Texas 77002

CPF 4-2022-034-WL

Dear Mr. Kolassa:

From May 19, 2021 through December 5, 2021, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Harvest Midstream Company's (Harvest) onshore hazardous liquid pipeline systems in Louisiana and Texas.

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

1. § 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 ½ 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.

Harvest failed to inspect and test each overpressure safety valve on its Cam Pipeline System in Louisiana for the 26-month period June 3, 2019, and August 4, 2021. During the inspection, Harvest personnel provided inspection records of the overpressure safety valves for calendar years 2019 and 2021 but were unable to provide records to demonstrate that the inspections were completed in calendar year 2020. This error was explained by a software glitch causing the inspection to be missed. The glitch has since been rectified.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, Harvest Midstream Company is subject to a civil penalty not to exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violations occurring on or after January 11, 2021, and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violations occurring on or after July 31, 2019, and before January 11, 2021, the maximum penalty may not 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 violations 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 violations 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.

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.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 4-2022-034-WL**. 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,

Mary L. McDaniel, P.E.
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

cc: Troy Brown, Pipeline Compliance Specialist / Coordinator, Harvest Midstream Company,
trbrown@harvestmidstream.com