



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

12300 W. Dakota Ave., Suite 110  
Lakewood, CO 80228

## NOTICE OF AMENDMENT

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 5, 2019

Mr. Hugh Harden  
V.P. Operations Engineering EHS  
Trans Mountain Pipeline (Puget Sound) LLC  
300 5<sup>th</sup> Avenue SW  
Suite 2700  
Calgary, Alberta T2P 5J2  
Canada

**CPF 5-2019-5012M**

Dear Mr. Harden:

On May 7 through 9, 2019, a representative of the Washington Utilities and Transportation Commission (UTC), on behalf of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected Trans Mountain Pipeline (Puget Sound) LLC's procedures for Operations and Control Room Management in Bellingham, Washington.

On the basis of the inspection, UTC has identified the apparent inadequacies found within Trans Mountain Pipeline (Puget Sound) LLC plans or procedures, as described below:

**1. 195.446 Control Room Management**

**(d) *Fatigue mitigation.* Each operator must implement the following methods to reduce the risk associated with controller fatigue that could inhibit a controller's ability to carry out the roles and responsibilities the operator has defined:**

**(1) ...**

**(4) Establish a maximum limit on controller hours-of-service, which may provide for an emergency deviation from the maximum limit if necessary for the safe operation of a pipeline facility.**

Section 3.5 entitled "Fatigue Mitigation Standard" located in Puget Sound's Operations and Control Room Management procedures is inadequate because it did not establish a maximum limit on controller hours-of-service, which may provide for an emergency deviation from the maximum limit if necessary for the safe operation of a pipeline facility.<sup>1</sup>

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 60 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 Trans Mountain Pipeline (Puget Sound) 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 Dustin Hubbard, Director, Western Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 5-2019-5012M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



Dustin Hubbard  
Director, Western Region  
Pipeline and Hazardous Materials Safety Administration

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

cc: PHP-60 Compliance Registry  
PHP-500 A. Ceartin (#166717)  
Sean Mayo, Pipeline Safety Director, Washington Utilities and Transportation Commission

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<sup>1</sup> The operator is encouraged, but not ordered, to consider the recommendations located in API Recommended Practice 1168, Section 7 on fatigue management.