

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 18, 2019

Mr. John Niemi
Compliance Manager
OP Reno, LLC
1331 Christine Avenue, Suite 100
Saint Louis, MO 63131

CPF 5-2019-6003M

Dear Mr. Niemi:

On November 13 through 15, 2018, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected OP Reno, LLC's procedures for the breakout tank facility in Sparks, Nevada.

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

1. **§ 195.402 Procedural manual for operations, maintenance, and emergencies.**
 - (a) . . .
 - (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:
 - (1) ...
 - (3) **Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.**

OPReno Sparks Terminal OM&E manual contains incomplete procedures for operating, maintaining and repairing the pipeline system in accordance with each of the requirements of Subpart F. Specifically, §195.405(b) requires that, after October 2, 2000, operators must review and consider the potentially hazardous conditions, safety practices, and procedures in API Pub 2026 (incorporated by reference, *see* §195.3) for inclusion in their procedure manuals. OP Reno's Procedure PMP-SPK-01, Section 4 – Tank Inspection states in part that a visual tank inspection of all aboveground tanks at the facility shall occur on a monthly basis. However, the procedure does not contain any instructions on completing the roof seal inspection, inspection criteria concerning the floating roof seal or safety considerations involved in conducting the floating roof seal inspection.

2. § 195.403 Emergency response training.

(a) Each operator shall establish and conduct a continuing training program to instruct emergency response personnel to:

(1) Carry out the emergency procedures established under 195.402 that relate to their assignments;

(2) ...

The OPReno Sparks Terminal Emergency Response Plan, Section 6.4 relies on other sections of the plan (i.e. 6.2 – Part194, 6.3 – OSHA) without directing the reader to those sections.

3. § 195.403 Emergency response training.

(a) ...

(b) At the intervals not exceeding 15 months, but at least once each calendar year, each operator shall:

(1) Review with personnel their performance in meeting the objectives of the emergency response training program set forth in paragraph (a) of this section; and

(2) Make appropriate changes to the emergency response training program as necessary to ensure that it is effective.

The OPReno Sparks Terminal Emergency Response Plan, Section 6.4 states in part that appropriate training shall be conducted for each employee on an annual basis. However, §195.403(b) requires training at intervals not exceeding 15 months, but at least once each calendar year.

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 OP Reno, 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 5-2019-6003M** 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 J. Dunphy (#162143)