



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

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West Trenton, NJ 08628
609.771.7800

NOTICE OF AMENDMENT

OVERNIGHT EXPRESS DELIVERY

March 15, 2022

Mr. Carlin Conner
President and Chief Executive Officer
IMTT-Pipeline
400 Poydras Street, Suite 3000
New Orleans, Louisiana 70130

CPF 1-2022-015-NOA

Dear Mr. Conner:

From May 10, 2021 through May 24, 2021, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the procedures utilized by IMTT-Bayonne and IMTT-Pipeline (IMTT) as part of a PHMSA integrated inspection.

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

1. § 194.107 General response plan requirements.

(a) ...

(c) **Each response plan must include:**

(1) **A core plan consisting of –**

...

(viii) **Equipment testing,**

IMTT's response plan was inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's *Facility Response Plan Version 6, dated January 2021* (FRP) failed to include requirements for documenting equipment testing required by § 194.107(c)(1)(viii).

During the inspection, PHMSA reviewed the FRP. The FRP Section E.2.1- Table 19 contained a listing of IMTT's spill response equipment, its location, and a defined frequency for inspection of

each item. However, the FRP failed to contain any details on what these inspections entail and any requirements for documenting these inspections.

Therefore, IMTT's response plan was inadequate regarding § 194.107(c)(1)(viii). IMTT must review its procedures to address the inadequacies described above regarding its equipment inspections and testing.

2. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) *General.* Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

IMTT's procedures for normal operations and maintenance activities and handling abnormal operations and emergencies were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's FRP failed to include adequate details for reviewing the emergency manual at intervals not exceeding 15 months, but at least once each calendar year, and make appropriate changes as necessary to ensure it is effective, in accordance with § 195.402(a).

During the inspection, PHMSA requested IMTT's procedure regarding the emergency response annual review. IMTT provided the FRP. Section 2.4.3 of the FRP stated in part, "[t]he Director of EH&S or designee is responsible for formally reviewing, updating, revising, and distributing revisions to this plan on an annual basis, or as required. The Director of EH&S will record all plan reviews on the IMTT Annual Review Form..."

However, the FRP failed to include details that the emergency manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and make appropriate changes as necessary to ensure it is effective.

Therefore, IMTT's procedures failed to include adequate details for reviewing the emergency manual at intervals not exceeding 15 months, but at least once each calendar year, and make appropriate changes as necessary to ensure it is effective in accordance with § 195.402(a). IMTT must revise its procedures to stipulate the correct review interval.

3. § 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.

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's *Operations, Maintenance and Emergency Manual- Section 23 Inspection of Breakout Tanks, dated August 2020* (OME) and *Confined Space – IMTT-EHSS-POL-1003, dated 04/06/20* (Confined Space) failed to include details associated with access/egress onto floating roofs of in-service aboveground breakout tanks for the purpose of performing inspection, service, maintenance or repair activities of in-service tanks, as required by § 195.405(b)¹.

During the inspection, the PHMSA inspector requested IMTT's procedures regarding § 195.405(b) requirements. IMTT provided the OME and the Confined Space procedures.

Section 23.1 of the OME stated in part:

To comply with 49 CFR 195.405(b), IMTT has reviewed API Publication 2026 – Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service regarding the potentially hazardous conditions and safety practices associated involved with inspection, service, maintenance, and repair activities. IMTT has included applicable safety practices in its procedures.

However, the procedures failed to indicate any process or details on safety practices for access/egress onto floating roofs. Furthermore, the Confined Space² procedure was not referenced or linked to the IMTT OME manual.

Therefore, IMTT failed to include details associated with access/egress onto floating roofs of in-service aboveground breakout tanks to perform inspection, service, maintenance, or repair activities of in-service tanks in accordance with § 195.405(b). IMTT must revise its procedures to address this requirement.

4. § 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

¹ Section 195.405(b) states: The hazards associated with access/egress onto floating roofs of in-service aboveground breakout tanks to perform inspection, service, maintenance, or repair activities (other than specified general considerations, specified routine tasks or entering tanks removed from service for cleaning) are addressed in API Pub 2026 (incorporated by reference, see §195.3) . After October 2, 2000, the operator must review and consider the potentially hazardous conditions, safety practices, and procedures in API Pub 2026 for inclusion in the procedure manual (§195.402(c)).

² Breakout tanks are confined spaces and thus are subject to confined space entry procedures when being entered for maintenance activities.

accordance with each of the requirements of this subpart and subpart H of this part.

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's *Corrosion Manual, dated April, 2021 (Corrosion Manual)* failed to include details for installing cathodic protection systems in accordance with ANSI/API RP 651, or providing details on why complying with all or certain provisions of ANSI/API RP 651 is not necessary for the safety of its tanks, per the requirement § 195.565³.

During the inspection, PHMSA requested IMTT's procedure regarding § 195.565 requirements. IMTT provided the Corrosion Manual. PHMSA asked IMTT where the § 195.565 requirements were located, and how IMTT complies with the requirements. IMTT stated that not all of its breakout tanks have cathodic protection and they do not have a procedure for how all tanks comply with this regulation.

The Corrosion Manual - Appendix C1 stated, "[c]urrently 49 CFR 195 Subpart H, Corrosion Control, §195.565 How do I install cathodic protection on breakout tanks? states that after October 2, 2000, installed breakout tank bottom CP systems should be installed according to API RP 651, unless IMTT Bayonne notes in the Corrosion Control Manual why complying with all or certain provisions of API RP 651 is not necessary for the safe operation of the tank. The purpose of this document is to provide evidence why retrofitting IMTT Bayonne's Breakout Tank 5804 bottoms to install a new CP system is impractical and not necessary for the safe operation of the breakout tank."

The Corrosion Manual quoted the code but failed to state how IMTT would comply with § 195.565 or how it would determine that certain provisions of API RP 651 are not necessary for the safe operation of a breakout tank.

Therefore, IMTT's procedures failed to include details on how it installs cathodic protection systems in accordance with ANSI/API RP 651 and failed to provide details in its corrosion control procedures on why complying with all or certain provisions of ANSI/API RP 651 is not necessary for the safety of its tanks without cathodic protection, in accordance with § 195.565). IMTT must revise its procedures to address this requirement.

5. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

³ Section 195.565 states: After October 2, 2000, when you install cathodic protection under §195.563(a) to protect the bottom of an aboveground breakout tank of more than 500 barrels 79.49m3 capacity built to API Spec 12F (incorporated by reference, see §195.3), API Std 620 (incorporated by reference, see §195.3), API Std 650 (incorporated by reference, see §195.3), or API Std 650's predecessor, Standard 12C, you must install the system in accordance with ANSI/API RP 651 (incorporated by reference, see §195.3). However, you don't need to comply with ANSI/API RP 651 when installing any tank for which you note in the corrosion control procedures established under §195.402(c)(3) why complying with all or certain provisions of ANSI/API RP 651 is not necessary for the safety of the tank.

(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.

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's OME failed to include details for providing protection for each valve from unauthorized operation and from vandalism, as required by § 195.420(c).

Section 195.420(c) states, "[e]ach operator shall provide protection for each valve from unauthorized operation and from vandalism."

During the inspection, PHMSA requested IMTT's procedures regarding valve protection. IMTT indicated that all valves are locked or within a locked fence in the facility, but this information was not described in its written procedures.

Therefore, IMTT's procedures failed to include details for providing protection for each valve from unauthorized operation and from vandalism in accordance with § 195.420(c). IMTT must revise its procedures to address this requirement.

6. § 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.

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's OME and *Lightning Policy Document 52-165, dated 08/11/15* (Lightning Policy), failed to provide sufficient guidance for protecting pipeline systems against ignitions arising out of static electricity, lightning, and stray currents during operation and maintenance activities involving aboveground breakout tanks in accordance with API RP 2003, per the requirement of § 195.405(a).

Section 195.405(a) states:

After October 2, 2000, protection provided against ignitions arising out of static electricity, lightning, and stray currents during operation and maintenance activities involving aboveground breakout tanks must be in accordance with API RP 2003 (incorporated by reference, see §195.3), unless the operator notes in the procedural

manual (§195.402(c)) why compliance with all or certain provisions of API RP 2003 is not necessary for the safety of a particular breakout tank.

During the inspection, the PHMSA inspector requested IMTT's procedures regarding § 195.405(a). IMTT provided the OME and the Lightning Policy. The OME and the Lightning Policy failed to indicate any process or details for protection against ignitions involving aboveground breakout tanks, nor did it provide a reason why compliance with all or certain provision of API RP 2003 is not necessary for the safety of a particular breakout tank. Furthermore, the Lightning Policy was not referenced or linked to the IMTT OME manual.

Therefore, IMTT procedures failed to include provisions for protecting against ignitions arising out of static electricity, lightning, and stray currents during operation and maintenance activities involving aboveground breakout tanks in accordance with API RP 2003, per the requirement of § 195.405(a).

7. § 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.

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's *Corrosion Manual* failed to include a process for verifying that its supervisors maintain a thorough knowledge of that portion of the corrosion control procedures established under § 195.402(c)(3) for which they are responsible for insuring compliance, in accordance with § 195.555.

Section 195.555 states that operators "...must require and verify that supervisors maintain a thorough knowledge of that portion of the corrosion control procedures established under §195.402(c)(3) for which they are responsible for insuring compliance."

During the inspection, PHMSA requested IMTT's procedures regarding § 195.555, and IMTT provided its Corrosion Manual. Section 6 of the Corrosion Manual stated in part, "The Company requires and must verify that supervisors (Asset Managers and/or their designees) maintain a thorough knowledge of that portion of the corrosion control procedures for which they are responsible for insuring compliance. The supervisors will review Corrosion Control procedures as needed to keep abreast of their responsibilities. This review will be documented on a training sign-in sheet or in the employee's training history."

However, the Corrosion Manual failed to include any procedure or details on how IMTT verifies that supervisors maintain a thorough knowledge of the corrosion control procedures.

Therefore, IMTT's procedures failed to include a process for verifying that its supervisors maintain a thorough knowledge of that portion of the corrosion control procedures established under § 195.402(c)(3) for which they are responsible for insuring compliance, in accordance with § 195.555. IMTT must revise its procedures to address this requirement.

8. § 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.

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's OME and Lightning Policy failed to include details on protecting the pipeline against damage from fault currents or lightning, in accordance with § 195.575(e).

Section 195.575(e) states that "If a pipeline is in close proximity to electrical transmission tower footings, ground cables, or counterpoise, or in other areas where it is reasonable to foresee fault currents or an unusual risk of lightning, you must protect the pipeline against damage from fault currents or lightning and take protective measures at insulating devices."

During the inspection, PHMSA requested IMTT's procedures regarding fault current and lightning protection. IMTT provided the OME and the Lightning Policy; however, the OME failed to include any procedure or details for protecting the pipeline against damage from fault currents or lightning. Furthermore, the Lightning Policy was not referenced or linked to the IMTT OME manual.

Therefore, IMTT's procedures failed to include details for protecting the pipeline against damage from fault currents or lightning in accordance with § 195.575(e). IMTT must revise its procedures to address this requirement.

9. § 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.

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's *Corrosion Manual* and *OME* failed to describe the interval and method for performing routine in-service (monthly) inspections of breakout tanks per the requirements of § 195.432(b).

Section § 195.432(b) states:

Each operator must inspect the physical integrity of in-service atmospheric and low-pressure steel above-ground breakout tanks according to API Std 653 (except section 6.4.3, Alternative Internal Inspection Interval) (incorporated by reference, see §195.3). However, if structural conditions prevent access to the tank bottom, its integrity may be assessed according to a plan included in the operations and maintenance manual under §195.402(c)(3). The risk-based internal inspection procedures in API Std 653, section 6.4.3 cannot be used to determine the internal inspection interval.

API Standard 653 – Section 6.3.1.2 states in part, “The interval of such inspections shall be consistent with conditions at the particular site, but shall not exceed one month.”

During the inspection, PHMSA requested IMTT's procedures regarding in-service monthly breakout tank inspections. IMTT was unable to provide a relevant procedure to the requirement and indicated that it is not currently in its procedures.

Therefore, IMTT's procedures failed to describe the interval and method for performing routine in-service (monthly) inspections of breakout tanks, in accordance with § 195.432(b). IMTT must revise its procedures to address this requirement.

10. § 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.**

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's *Corrosion Manual* and *OME* failed to describe the interval and method for performing external ultrasonic thickness inspections of breakout tanks per the requirements of § 195.432(b) (quoted in full in Item 9).

API Standard 653 – Section 6.3.3.1 states in part, “External, ultrasonic thickness measurements of the shell can be a means of determining a rate of uniform general corrosion while the tank is in service, and can provide an indication of the integrity of the shell. The extent of such measurements shall be determined by the owner/operator.”

During the inspection, PHMSA requested IMTT's procedures regarding external ultrasonic thickness breakout tank inspections. IMTT was unable to provide a relevant procedure to the requirement and indicated that it is not currently in its procedures.

Therefore, IMTT's procedures failed to describe the interval and method for performing external ultrasonic thickness inspections of breakout tanks, in accordance with § 195.432(b). IMTT must revise its procedures to address this requirement.

11. § 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.*

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's *Corrosion Manual* and OME failed to describe the interval and method for performing internal inspections of breakout tanks per the requirements of § 195.432(b) (quoted in full in Item 9).

API Standard 653 – Section 6.4.1.2 stated in Part:

All tanks shall have a formal internal inspection conducted at the intervals defined by 6.4.2 or 6.4.3.

API Standard 653 – Section 6.4.2.1 stated in Part:

Intervals between internal inspections shall be determined by the corrosion rates measured during previous inspections or anticipated based on experience with tanks in similar service. Normally, bottom corrosion rates will control and the inspection interval will be governed by the measured or anticipated corrosion rates and the calculations for minimum required thickness of tank bottoms (see 4.4.7). The actual inspection interval shall be set to ensure that the bottom plate minimum thicknesses at the next inspection are not less than the values listed in Table 6-1. In no case, however, shall the internal inspection interval exceed 20 years.

During the inspection, PHMSA requested IMTT's procedures regarding internal breakout tank inspections. IMTT was unable to provide a relevant procedure to the requirement and indicated that it is not currently in its procedures.

Therefore, IMTT's procedures failed to describe the interval and method for performing internal inspections of breakout tanks, in accordance with § 195.432(b). IMTT must revise its procedures to address this requirement.

12. § 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.

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's *Corrosion Manual* and OME failed to describe the interval and method for performing external inspections of breakout tanks per the requirements of § 195.432(b) (quoted in full in Item 9).

API Standard 653 – Section 6.3.2.1 states in Part:

All tanks shall be given a visual external inspection by an authorized inspector. This inspection shall be called the external inspection and must be conducted at least every 5 years or RCA/4N years (where RCA is the difference between the measured shell thickness and the minimum required thickness in mils, and N is the shell corrosion rate in mils per year) whichever is less. Tanks may be in operation during this inspection.

During the inspection, PHMSA requested IMTT's procedures regarding external breakout tank inspections. IMTT was unable to provide a relevant procedure to the requirement and indicated that it is not currently in its procedures.

Therefore, IMTT's procedures failed to describe the interval and method for performing external inspections of breakout tanks, in accordance with § 195.432(b). IMTT must revise its procedures to address this requirement.

13. § 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) ...

(7) Starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by §195.406, consider the hazardous liquid or carbon dioxide in transportation, variations in altitude along the pipeline, and pressure monitoring and control devices.

IMTT's procedures for maintenance and normal operations were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's OME and *Control Room Management Plan*,

dated August, 2020 (CRM) failed to include procedures for shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by § 195.406, considering the hazardous liquid, variations in altitude along the pipeline, and pressure monitoring and control devices.

During the inspection, PHMSA requested IMTT's procedure regarding shutting down the pipeline system. IMTT provided its OME, which states in Section 3.6, "Normal Shutdown Procedure- The following steps apply for normal shutdown of the pipeline: The Controller notifies the origin station as to when the pipeline will be shut down. If the transfer is between one or more IMTT-Pipeline terminals, then the origin station is another IMTT Pipeline Terminal. The origin station pumps are shut down first. The IMTT-Pipeline pumps are shut down in succession, starting with the pumps closest to the origin station."

When the PHMSA requested further information on the requirements within § 195.402(c)(7), such as how the limits prescribed by § 195.406 are considered as well as what the process is for shutting down critical pipeline components (i.e., valves) in the system, IMTT was unable to provide a response.

Therefore, IMTT's procedures failed to include procedures for shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by § 195.406, in accordance with § 195.402(c)(7). IMTT must revise its procedures to address this requirement.

14. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(e) *Emergencies.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an emergency condition occurs:

(1) ...

(3) Having personnel, equipment, instruments, tools, and material available as needed at the scene of an emergency.

IMTT's procedures for operations, maintenance and emergencies were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's FRP failed to include processes to ensure the availability of personnel, equipment, instruments, tools, and materials as needed at the scene of an emergency in accordance with § 195.402(e)(3).

During the inspection, PHMSA requested IMTT's procedures regarding § 195.402(e)(3). IMTT indicated that this information was included in the response equipment list, and that they use a communication system and i-respond app-based service in emergencies. However, the FRP did not provide further details to ensure that personnel, instruments, tools, and materials are at the scene of an emergency, nor did it discuss or mention IMTT's use of i-respond communication system.

Therefore, IMTT's procedures failed to include processes to ensure the availability of personnel, equipment, instruments, tools, and materials as needed at the scene of an emergency, in accordance with § 195.402(e)(3). IMTT must revise its procedures to address this requirement.

15. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(f) *Safety-related condition reports.* The manual required by paragraph (a) of this section must include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of § 195.55.

IMTT's procedures for safety related conditions were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's OME failed to include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of § 195.55.

During the inspection, PHMSA requested IMTT's procedure regarding recognizing safety related conditions. IMTT provided the OME and indicated that while they perform training for recognizing potential safety related conditions, it is not addressed in its procedure.

Therefore, IMTT's procedures failed to include instructions in its written procedures for personnel to recognize conditions that potentially may be safety-related conditions in accordance with § 195.402(f). IMTT must revise its procedures to address this requirement.

16. § 195.403 Emergency response training.

(a) ...

(c) Each operator shall require and verify that its supervisors maintain a thorough knowledge of that portion of the emergency response procedures established under 195.402 for which they are responsible to ensure compliance.

IMTT's procedures for emergency response training were inadequate to assure safe operation of a pipeline facility. Specifically, IMTT's FRP failed to require and include a process to verify that supervisors be knowledgeable of emergency response procedures for which they are responsible for per the requirements of § 195.403(c).

During the inspection, PHMSA requested IMTT's procedures regarding emergency response supervisor training. IMTT was unable to provide a response and was unable to provide a relevant section of its FRP or other manuals which indicated how IMTT complies with the requirement.

Therefore, IMTT's procedures failed to require and include a process to verify that supervisors are knowledgeable of emergency response procedures for which they are responsible for, in accordance with § 195.403(c). IMTT must revise its procedures to address this requirement.

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 Enforcement

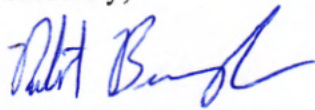
Proceedings.

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 IMTT-Pipeline maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Robert Burrough, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. In correspondence concerning this matter, please refer to **CPF 1-2022-015-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible. Smaller files may be emailed to robert.burrough@dot.gov. Larger files should be sent on USB flash drive accompanied by the original paper copy to the Eastern Region Office.

Sincerely,



Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: Response Options for Pipeline Operators in Enforcement Proceedings