



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

233 Peachtree Street Ste. 600
Atlanta, GA 30303

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 16, 2016

Mr. Mark Lemasney
Vice President of F & S Operations
Florida Power and Light Company
NextEra Energy, Inc.
700 Universe Blvd.
Juno Beach, Florida 33408

CPF 2-2016-6001W

Dear Mr. Lemasney:

On March 21-25, 2016, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Florida Power & Light Company's (FPL) oil pipeline records and oil pipeline systems in West Palm Beach, FL and Port Manatee, FL.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violations are:

1. §195.410 Line markers.

(a) Each operator shall place and maintain line markers over each buried pipeline in accordance with the following:

...(2) The marker must state at least the following on a background of sharply contrasting color:

(i) The word "Warning," "Caution," or "Danger" followed by the words "Petroleum (or the name of the hazardous liquid transported) Pipeline," or "Carbon Dioxide Pipeline," all of which, except for markers in heavily developed urban areas, must be in letters at least 1 inch (25 millimeters) high with an approximate stroke of ¼-inch (6.4 millimeters).

(ii) The name of the operator and a telephone number (including area code) where the operator can be reached at all times.

FP&L failed to meet the regulation because it did not maintain line markers over each buried pipeline in accordance with §195.410.

PHMSA inspectors identified several illegible pipeline markers. Markers were also observed that did not include the correct area code for the required 24 hour telephone number. Additionally, PHMSA personnel observed pipeline markers which included the wording "High Pressure Oil Line," rather than the word "Pipeline," as well as markers that did not include the pipeline operator's name. Example locations include pipeline markers near Test Station 16 on the 16-inch pipeline, and Test Station 21A on the 30-inch pipeline. Photographs were obtained at several representative locations.

- 2. §195.412 Inspection of rights-of-way and crossings under navigable waters.
...(b) Except for offshore pipelines, each operator shall, at intervals not exceeding 5 years, inspect each crossing under a navigable waterway to determine the condition of the crossing.**

FP&L failed to meet the regulation because it did not inspect each crossing under a navigable waterway to determine the condition of the crossing at intervals not exceeding 5 years.

Review of the waterway crossing inspection records for the 18-inch pipeline crossing of the Port St. Lucie waterway indicated that the last two consecutive inspections were conducted on January 19, 2011 and February 11, 2016, exceeding the required inspection interval by approximately 1 month.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 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 items identified in this letter. Failure to do so will result in Florida Power & Light Company 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 2-2016-6001W**. 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,

A handwritten signature in blue ink, appearing to read 'J. Urisko', is written above the printed name.

James A. Urisko
Director, Office of Pipeline Safety
PHMSA Southern Region