NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 23, 2009

Mr. Manouch Daneshvar
Vice President
Marysville Hydrocarbons
30078 Schoenherr, Suite 150
Warren, MI 48088

CPF 3-2009-5027M

Dear Mr. Daneshvar:

On April 27 – May 1, 2009, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Marysville Hydrocarbon's procedures for the highly volatile liquid storage field in Marysville, Michigan.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Maryville Hydrocarbons (Maryville) plans or procedures, as described below:

1. **§195.402 Procedural Manual for Operations, Maintenance and Emergencies.**

   §195.402(a) requires that 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.

   §195.402(c) indicates that the manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(2) Gathering of data needed for reporting accidents under Subpart B of this part in a timely and effective manner.

§195.50 Reporting accidents – Procedure needs to change from RSPA to PHMSA and update the address.

2. **§195.402 Procedural Manual for Operations, Maintenance and Emergencies.**

   §195.402(a) requires that 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.

   §195.402(c) indicates that the manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

   (3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.

   §195.422 Pipeline Repairs requires each operator shall, in repairing its pipeline systems, insure that the repairs are made in a safe manner and are made so as to prevent damage to persons or property.

   §195.120(a) Passage of internal inspection devices – Since Marysville operates two lines, there should be a procedure to indicate that any modifications to the lines must ensure that any modifications can accommodate an internal inspection tool.

3. **§195.402 (see above)**

   §195.228(a) Welds and welding inspection: Standards of acceptability - Each weld and welding must be inspected to insure compliance with the requirements of this subpart. Visual inspection must be supplemented by nondestructive testing.

   Procedure must indicate that NDT will be done in accordance to Section 9 of API 1104.

4. **§195.402 (see above)**

   §195.234(b) Welds: Nondestructive testing – Any nondestructive testing of welds must be performed-

   (1) In accordance with a written set of procedures for nondestructive testing; and
   (2) With personnel that have been trained in the established procedures and in the use of the equipment employed in the testing.

Procedure must indicate that NDT will be done in accordance to a written set of qualified procedures and that properly trained personnel will be used to conduct NDT.

5. **§195.402 (see above)**

§195.266 Construction records - A complete record that shows the following must be maintained by the operator involved for the life of each pipeline facility:

(a) The total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld.
(b) The amount, location, and cover of each size of pipe installed.
(c) The location of each crossing of another pipeline.
(d) The location of each buried utility crossing.
(e) The location of each overhead crossing.
(f) The location of each valve and corrosion test station.

The procedure must indicate the number of welds tested, the number rejected, and the disposition of each rejected weld must be maintained in the construction records.

6. **§195.402 (see above)**

§195.310(a) & (b)(1)-(10) Records – A record must be made of each pressure test required by this subpart, and the record of the latest test must be retained as long as the facility tested is in use.

(b) The record required by paragraph (a) of this section must include:

(1) The pressure recording charts;
(2) Test instrument calibration data;
(3) The name of the operator, the name of the person responsible for making the test, and the name of the test company used, if any;
(4) The date and time of the test;
(5) The minimum test pressure;
(6) The test medium;
(7) A description of the facility tested and the test apparatus;
(8) An explanation of any pressure discontinuities, including test failures, that appear on the pressure recording charts; and,
(9) Where elevation differences in the section under test exceed 100 feet (30 meters), a profile of the pipeline that shows the elevation and test sites over the entire length of the test section.
(10) Temperature of the test medium or pipe during the test period

Procedure needs to include what records need to be kept after a pressure test and how long those records must be kept.

7. **§195.402 Procedural Manual for Operations, Maintenance and Emergencies.**

   §195.402(a) requires that 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.

   (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:

   (6) Minimizing the potential for hazards identified under paragraph (c)(4) of this section and the possibility of recurrence of accidents analyzed under paragraph (c)(5) of this section.

   Procedure needs to be modified to include Marysville's current procedure of utilizing the hazard review to minimize the possibility of recurrence of accidents.

8. **§195.402 (See above)**

   (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:

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

   Procedure needs to adequately reflect the Marysville facility operations. (i.e.: remove the references to another pipeline operator; reference the Operations Guide that Marysville currently utilizes, etc.)

9. **§195.402 (See above)**

   (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:

   (8) In the case of pipeline that is not equipped to fail safe, monitoring from an attended location pipeline pressure during startup until steady state pressure and flow conditions are reached and during shut-in to assure operation within limits prescribed by §195.406.

   (9) In the case of facilities not equipped to fail safe that are identified under §195.402(c)(4) or that control receipt and delivery of the hazardous liquid or carbon dioxide, detecting abnormal operating conditions by monitoring pressure,

temperature, flow or other appropriate operational data and transmitting this data to an attended location.

Procedure needs to adequately reflect more to the Marysville facility. (i.e.: references to another pipeline operator should be removed. Also, the manual should indicate that all safeguards are fail safe.)

10. §195.402(See above)

(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:

(10) Abandoning pipeline facilities, including safe disconnection from an operating pipeline system, purging of combustibles, and sealing abandoned facilities left in place to minimize safety and environmental hazards. For each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that crosses over, under or through commercially navigable waterways the last operator of that facility must file a report upon abandonment of that facility in accordance with §195.59 of this part.

Procedure needs to adequately reflect more for the Marysville facility, (i.e.: procedures for service lines do not apply to Marysville).

11. §195.402(See above)

(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:

(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid or pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid or carbon dioxide pipeline emergency and means of communication.

Marysville needs to modify procedures to reflect the additional actions that Marysville performs, such as conduct meetings at the facility with first responders.

12. §195.402(See above)

(d) Abnormal operation. The manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded;

(1) Responding to, investigating, and correcting the cause of;

(i) Unintended closure of valves or shutdowns;
(ii) Increase or decrease in pressure or flow rate outside normal operating limits;
(iii) Loss of communications;
(iv) Operation of any safety device;
(v) Any other malfunction of a component, deviation from normal operation, or personnel error which could cause a hazard to persons or property.

(2) Checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation.
(3) Correcting variations from normal operation of pressure and flow equipment and controls.

(4) Notifying responsible operator personnel when notice of an abnormal operation is received.
(5) Periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found.

Current procedures are written towards abnormal operating conditions (AOC)'s on pipelines. These procedures need to be modified to address the facility.

13. §195.402(See above)

(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;

(4) Taking necessary action, such as emergency shutdown or pressure reduction, to minimize the volume of hazardous liquid or carbon dioxide that is released from any section of a pipeline in the event of a failure.

(5) Control of released hazardous liquid or carbon dioxide at an accident scene to minimize the hazards, including possible intentional ignition in the cases of flammable highly volatile liquid.
(6) Minimization of public exposure to injury and probability of accidental ignition by assisting with evacuation of residents and assisting with halting traffic on roads and railroads in the affected area, or taking other appropriate action.

(7) Notifying fire, police, and other appropriate public officials of hazardous liquid or carbon dioxide pipeline emergencies and coordinating with them preplanned and actual responses during an emergency, including additional precautions necessary for an emergency involving a pipeline transporting a highly volatile liquid.

Emergency response procedures needs to adequately address the facility. The current procedures are geared towards a cross country pipeline.

14. §195.402(See above)

§195.403(a)(1)-(a)(5) 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) Know the characteristics and hazards of the hazardous liquids or carbon dioxide transported, including, in case of flammable HVL, flammability of mixtures with air, odorless vapors, and water reactions;
(3) Recognize conditions that are likely to cause emergencies, predict the consequences of facility malfunctions or failures and hazardous liquids or carbon dioxide spills, and take appropriate corrective action;

(4) Take steps necessary to control any accidental release of hazardous liquid or carbon dioxide and to minimize the potential for fire, explosion, toxicity, or environmental damage; and
(5) Learn the potential causes, types, sizes, and consequences of fire and the appropriate use of portable fire extinguishers and other on-site fire control equipment, involving, where feasible, a simulated pipeline emergency condition.

Procedures need to include more detail to address emergency response and training. The program must include knowing the characteristics of HVLs (flammability, mixtures with air, odorless vapors, and water reactions). The procedure should be updated to recognize the conditions that are likely to cause emergencies and predict the consequences of malfunctions or failures. As it is now, it is written for pipelines and does not reference the facility. The procedure should also contain procedures to take steps necessary to control any accidental releases and minimize the potential for fire, explosion, and environmental damage. The procedure must also ensure that the staff learns the potential causes, types, sizes, and consequences of fire and the appropriate use of firefighting equipment. Use of tabletop drills should be utilized where possible. Marysville has a current emergency response and training program that could be integrated to meet many requirements of this section.

15. §195.402(See above)

§195.404(a)(1)-(a)(4) Maps and records

(a) Each operator shall maintain current maps and records of its pipeline systems that include at least the following information;

(1) Location and identification of the following pipeline facilities;

(i) Breakout tanks;
(ii) Pump stations;
(iii) Scraper and sphere facilities;
(iv) Pipeline valves;
(v) Facilities to which §195.402(c)(9) applies;
(vi) Rights-of-way; and
(vii) Safety devices to which §195.428 applies.

(2) All crossings of public roads, railroads, rivers, buried utilities, and foreign pipelines.
(3) The maximum operating pressure of each pipeline.
(4) The diameter, grade, type and nominal wall thickness of all pipe.

The procedure should list what records and maps should be maintained and for how long.

16. §195.402(See above)

§195.404(b)(2) Maps and records

(b) Each operator shall maintain for at least 3 years daily operating records that indicate-

(2) Any emergency or abnormal operation to which the procedures under §195.402 apply.

The procedure should indicate that three years of daily operating pressures records will be maintained.

17. §195.402(See above)

§195.404(c) Maps and records

(c) Each operator shall maintain the following records for the periods specified;

(1) The date, location, and description of each repair made to pipe shall be maintained for the useful life of the pipe.
(2) The date, location, and description of each repair made to parts of the pipeline other than pipe shall be maintained for at least 1 year.
(3) A record of each inspection and test required by this subpart shall be maintained for at least 2 years or until the next inspection or test is performed, whichever is longer.

The procedure should list what records should be maintained and for how long.

18. §195.402(See above)

§195.408(a) & (b)(1)-(4) Communications

(a) Each operator must have a communication system to provide for the transmission of information needed for the safe operation of its pipeline system.
(b) The communication system required by paragraph (a) of this section must, as a minimum, include means for:

(1) Monitoring operational data as required by §195.402(c)(9);
(2) Receiving notices from operator personnel, the public, and public authorities of abnormal or emergency conditions and sending this information to appropriate personnel or government agencies for corrective action;
(3) Conducting two-way vocal communication between a control center and the scene of abnormal operations and emergencies; and,
(4) Providing communication with fire, police, and other public officials during emergency conditions, including a natural disaster.

The procedure needs to be written to reflect what the communication system the facility utilizes. The current Marysville emergency procedures could be utilized and modified to meet the requirements in this section.

19. §195.402(See above)

§195.422(a) and (b) Pipeline repairs

(a) Each operator shall, in repairing its pipeline systems, insure that the repairs are made in a safe manner and are made so as to prevent damage to persons or property.
(b) No operator may use any pipe, valve, or fitting, for replacement in repairing pipeline facilities, unless it is designed and constructed as required by this part.

The repair procedures should be re-done to reflect more closely what Marysville would do. If Marysville chooses to write a repair procedure prior to the repair itself, then that is what should be reflected in the procedure.

20. §195.402(See above)

§195.430(b) Firefighting equipment

Each operator shall maintain adequate firefighting equipment at each pump station and breakout tank area. The equipment must be-

(b) Plainly marked so that its identity as firefighting equipment is clear;

The procedure should include in the procedure that the firefighting equipment will be plainly marked so that its identity as firefighting equipment is clear. Including a map of where the firefighting equipment that Marysville uses could be integrated here.

21. §195.402(See above)

§195.434 Signs

Each operator must maintain signs visible to the public around each pumping station and breakout tank area. Each sign must contain the name of the operator and a telephone number (including area code) where the operator can be reached at all times.

The procedures need to include a section on signs and their placement around pump stations and in this case, the HVL storage facility.

22. §195.402(See above)

§195.436 Security of facilities

Each operator shall provide protection for each pumping station and breakout tank area and other exposed facility (such as scraper traps) from vandalism and unauthorized entry.

The procedures should be updated to include or reference the Marysville existing facility security plan. This could be done easily by simply referencing it from the Procedures.

23. §195.402(See above)

§195.438 Smoking or open flames

Each operator shall prohibit smoking and open flames in each pump station area and each breakout tank area where there is a possibility of the leakage of a flammable hazardous liquid or of the presence of flammable vapors.

The procedures should be updated to reflect the policies of the facility. Additionally, the hot working procedure that Marysville currently utilizes could be incorporated into this section.

24. §195.402(See above)

§195.569 Do I have to examine exposed portions of buried pipelines?

Whenever you have knowledge that any portion of a buried pipeline is exposed, you must examine the exposed portion for evidence of external corrosion if the pipe is bare, or if the coating is deteriorated. If you find external corrosion requiring corrective action under Sec. 195.585, you must investigate circumferentially and longitudinally beyond the exposed portion (by visual examination, indirect method, or both) to determine whether additional corrosion requiring remedial action exists in the vicinity of the exposed portion.

The manual should provide more guidance on what personnel at the facility do for atmospheric corrosion control. Marysville Hydrocarbon does UT inspections of all aboveground facilities every three years. This could be incorporated into the current requirement. The procedure should provide guidance on what to look for and when to report issues for remediation.

25. §195.402(See above)

§195.571 What criteria must I use to determine the adequacy of cathodic protection?

Cathodic protection required by this subpart must comply with one or more of the applicable criteria and other considerations for cathodic protection contained in paragraphs 6.2 and 6.3 of NACE Standard RP 0169 (incorporated by reference, see §195.3).

The procedure should indicate which criteria Marysville is going to utilize for compliance. It should also indicate that IR drop will be taken into consideration when the readings are taken, and how those IR drops are going to be accounted for (i.e.: instant off readings; base line static survey, etc).

26. §195.402(See above)

§195.573(c) What must I do to monitor external corrosion control?

c) Rectifiers and other devices. You must electrically check for proper performance each device in the first column at the frequency stated in the second column.

Device	**Check frequency**
Rectifier.....	**At least six times each calendar year, but with intervals not exceeding 2 ½ months**
Reverse current switch	
Diode	
Interference bond whose failure would jeopardize structural protection	
Other interference bond	**At least once each calendar year, but with intervals not exceeding 15 months.**

The procedures need to include the inspection requirements for rectifier checks. Additionally, it should indicate what is done and how it is done, to tie in with the OQ plan.

27. §195.402(See above)

§195.579(c) What must I do to mitigate internal corrosion?

(c) Removing pipe. Whenever you remove pipe from a pipeline, you must inspect the internal surface of the pipe for evidence of corrosion. If you find internal corrosion requiring corrective action under Sec. 195.585, you must investigate circumferentially and longitudinally beyond the removed pipe (by visual examination, indirect method, or both) to determine whether additional corrosion requiring remedial action exists in the vicinity of the removed pipe.

The procedures need to specify that if the pipeline is opened up, an inspection of the interior for internal corrosion must be completed. The procedure must also address that if internal corrosion is found, the inspection must include adjacent sections of pipe.

28. §195.402(See above)

§195.589 What corrosion control information do I have to maintain?

(a) You must maintain current records or maps to show the location of--

(1) Cathodically protected pipelines;
(2) Cathodic protection facilities, including galvanic anodes, installed after January 28, 2002; and
(3) Neighboring structures bonded to cathodic protection systems.

(b) Records or maps showing a stated number of anodes, installed in a stated manner or spacing, need not show specific distances to each buried anode.
(c) You must maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey, and test required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures or that corrosion requiring control measures does not exist. You must retain these records for at least 5 years, except that records related to Secs. 195.569, 195.573(a) and (b), and 195.579(b)(3) and (c) must be retained for as long as the pipeline remains in service.

The procedures need to specify what corrosion records must be kept and for how long.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. 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). 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 a Final Order.

If, after opportunity for a hearing, 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. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 90 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.

In correspondence concerning this matter, please refer to **CPF 3-2009-5027M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Ivan A. Huntoon
Director, Central Region
Pipeline and Hazardous Materials Safety Administration

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