



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

901 Locust Street, Suite 462
Kansas City, Missouri 64106-2641

FedEx -7774-7397-6716

January 14, 2020

Keith P. Onderdonk
Vice President, Operational Support
Suburban Propane, L.P.
240 Rte 10 West
Whippany, NJ 07981

RE: CPF 3-2019-0004W

Dear Mr. Onderdonk:

On November 22, 2019, the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS) Central Region sent Suburban Propane, L.P. a Warning Letter, **CPF 3-2019-0004W**. The original Warning Letter was addressed to an apparently inactive Suburban Propane office in Wisconsin, and went undelivered by the US Postal Service. Therefore, I have enclosed a copy of this Warning Letter that is being sent to you via FedEx, with no changes to the original.

As described in the Warning Letter no reply is required. If you choose to reply, in your correspondence please refer to **CPF 3-2019-0004W**. 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,

for Allan C. Beshore
Director, Central Region, OPS
Pipeline and Hazardous Materials Safety Administration

Enclosure

cc (via email): Ed Moreno, CSC Manager
Suburban Propane, L.P.
emoreno@suburbanpropane.com



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WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 22, 2019

Ed Moreno
Division President
Suburban Propane, L.P.
800 South Division Street, Suite D
Waunakee, WI 53597

CPF 3-2019-0004W

Dear Mr. Moreno:

On September 11-13, 2018, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected your procedures and records in West Salem and propane gas systems in La Cross and Juneau Counties, Wisconsin.

As a result of the inspection, it is alleged that Suburban Propane, L.P. (Suburban) has committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violations are:

1. **§192.285 Plastic pipe: Qualifying persons to make joints.**
 - (a)
 - (c) **A person must be re-qualified under an applicable procedure once each calendar year at intervals not exceeding 15 months, or after any production joint is found unacceptable by testing under §192.513.**

Suburban did not re-qualify the person who made a plastic pipe joint once each calendar year at intervals not exceeding 15 months. Specifically, Suburban allowed one individual to make a plastic joint in September 2017 after his qualification had lapsed.

2. §192.357 Customer meters and regulators: Installation.

(a) Each meter and each regulator must be installed so as to minimize anticipated stresses upon the connecting piping and the meter.

Suburban's meter and regulator settings were not installed so as to minimize anticipated stresses upon the connecting piping and the meter. During the inspection, PHMSA inspectors identified fourteen meter settings which were not properly supported, thus causing stresses on the facilities. These were found in the following systems: Pinecrest II – 1, Edgewood – 2, Pineview – 8 and Terlingua – 3.

3. §192.603 General provisions.

(a)

(b) Each operator shall keep records necessary to administer the procedures established under §192.605.

§192.605 Procedural manual for operations, maintenance, and emergencies.

(a)

(b) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.

(8) Periodically reviewing the work done by operator personnel to determine the effectiveness, and adequacy of the procedures used in normal operation and maintenance and modifying the procedures when deficiencies are found.

Suburban did not keep records regarding periodically reviewing the work done by operator personnel to determine the effectiveness and adequacy of the procedures used in normal operation and maintenance. Suburban was unable to provide any records during the inspection, which demonstrated the performance of periodic reviews of work done by operator personnel to determine the effectiveness of the operations and maintenance procedures as required by §192.605(b)(8).

4.

§192.605 Procedural manual for operations, maintenance, and emergencies.

(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

Suburban did not follow its Emergency Plan regarding documenting annual training given to its operating personnel. Additionally, Suburban was unable to provide to PHMSA inspector during the inspection, any record that it reviewed employees activities after emergencies occurred at Edgewood on August 1, 2017, and Pineview on September 22, 2017.

5. **§192.747 Valve maintenance: Distribution systems.**

(a) Each valve, the use of which may be necessary for the safe operation of a distribution system, must be checked and serviced at intervals not exceeding 15 months, but at least once each calendar year.

Suburban did not document that it had checked and serviced each valve, the use of which may be necessary for the safe operation of a distribution system, at intervals not exceeding 15 months, but at least once each calendar year. While Suburban staff stated that it conducted the annual valve inspections for their six systems in 2016, they were unable to provide any records demonstrating that it had during the inspection.

6. **§192.616 Public awareness.**

(a)

(j) Unless the operator transports gas as a primary activity, the operator of a master meter or petroleum gas system is not required to develop a public awareness program as prescribed in paragraphs (a) through (g) of this section. Instead the operator must develop and implement a written procedure to provide its customers public awareness messages twice annually. If the master meter or petroleum gas system is located on property the operator does not control, the operator must provide similar messages twice annually to persons controlling the property. The public awareness message must include: . . .

Suburban did not provide its customers public awareness messages twice annually as required by its written procedure and §192.616(j). Specifically, Suburban did not provide its public awareness messages twice in 2017 to three customers located in Pineview Mobile Home Park located in La Cross, WI, property which the operator does not control.

7.

§192.1015 What must a master meter or small liquefied petroleum gas (LPG) operator do to implement this subpart?

(a)

(b) *Elements.* A written integrity management plan must address, at a minimum, the following elements:

(1)

(6) *Periodic evaluation and improvement.* The operator must determine the appropriate period for conducting IM program evaluations based on the complexity of its pipeline and changes in factors affecting the risk of failure. An operator must re-evaluate its entire program at least every five years. The operator must consider the results of the performance monitoring in these evaluations.

Suburban did not re-evaluate its entire integrity management (IM) program at least every five years as required in §192.1015(b)(6).¹ Documents provided by Suburban during the inspection showed that re-evaluations of its IM program were conducted in 2012 and 2018, which exceeds the five year requirement of §192.1015(b)(6).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$213,268 per violation per day the violation persists, up to a maximum of \$2,132,679 for a related series of violations. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022. For violations occurring prior to November 2, 2015, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$2,000,000 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 Suburban Propane, L.P. being subject to additional enforcement action.

¹ Suburban is a gas distributor operator, who must follow the requirements in §§192.1005 through 192.1013 of subpart P of 49 CFR Part 192. See 49 CFR §192.1003.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 3-2019-0004W**. 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 cursive script, reading "Allan C. Beshore".

Allan C. Beshore
Director, Central Region, OPS
Pipeline and Hazardous Materials Safety Administration