



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 S. Gessner, Suite 630
Houston, TX 77074

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 20, 2018

Don J. Sorensen
Senior Vice President Logistics
Western Refining Pipelines, LLC
19100 Ridgewood Parkway
San Antonio, Texas 78259

CPF 4-2018-5015M

Dear Mr. Sorensen:

From March 7, 2017 to September 28, 2017, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Western Refining Pipelines, LLC (Western Refining) procedures for the Texas-New Mexico and Bisti Station-Gallup Pipeline Systems.

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

1. §195.402 Procedural manual for operations, maintenance, 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:

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

Throughout Western Refining's Operation & Maintenance Manual the procedures replicate, paraphrase and reference the regulations. The procedures need to provide specific detail for safely completing the process in order to satisfy the requirements of §195.402(c)(3).

The following sections of Western Refining's Operation & Maintenance Manual need to be amended:

1. Section 7.2 Responsibilities to Unsafe Conditions, operator fails to define what they consider an "immediate hazard" with enough specificity, as required by §195.404(b)(1).
2. Section 11.1.2 Retention Requirements, parrots code and fails to address assigned responsibilities for record retention, as required by §195.404(b).
3. Section 11.3.1 Procedure for Establishing MOP, lacks the specificity needed to establish a MOP, as required by §195.302(c).
4. Section 14.14 Subpart H Corrosion Control, fails to offer the detail needed relative to Microbial Induced Corrosion, as required by §195.579(b).

Western Refining must amend its process and procedures to adequately describe the requirements for the four procedures listed above and to ensure compliance with §195.402(c)(3).

2. §195.402 Procedural manual for operations, maintenance, 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:

(13) Periodically reviewing the work done by operator personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

Western Refining's Operation & Maintenance Manual replicates, paraphrases and references the regulations. The procedures need to provide specific detail for safely completing a process. Section 7.16 Periodic Procedures Review, fails to define what the operator considers to be "periodic" and doesn't contain the specificity of how operator will determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

Western Refining must amend its process and procedures to adequately describe the requirements for periodically reviewing work done by operator personnel to ensure compliance with §195.402(c)(13).

3. §195.402 Procedural manual for operations, maintenance, 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:

(14) Taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available when needed at the excavation, emergency rescue equipment, including a breathing apparatus and, a rescue harness and line.

Western Refining's Operation & Maintenance Manual Section 7.17 Confined Space Entry replicates, paraphrases and references the regulations. The procedures need to provide specific detail for taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas.

Western Refining must amend its process and procedures to adequately describe the requirements for adequate precautions in excavated trenches to ensure compliance with §195.402(c)(14).

4. §195.402 Procedural manual for operations, maintenance, and emergencies.

(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:**
- (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.**
- (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.**

Throughout Section 8 Abnormal Operations of Western Refining's Operation & Maintenance Manual the procedures replicate, paraphrase and reference the regulations. Instead, the procedures need to provide specific detail for safely completing process in order to satisfy requirements of §195.402(d).

The following portions of Section 8 Abnormal Operations of Western Refining's Operation & Maintenance Manual need to be amended:

1. Procedure does not provide enough detail about conducting a root cause analysis to satisfy the "investigating, and correcting" required by §195.402(d)(1).
2. Procedure does not detail follow up monitoring with sufficient detail to comply with §195.402(d)(2).
3. Procedure does not specify how Western Refining will "correct variations" to the extent necessary to satisfy §195.402(d)(3).
4. Procedure does not detail how Western Refining will periodically review the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation as required by §195.402(d)(5).

Western Refining must amend its process and procedures to adequately describe the requirements for abnormal operations to ensure compliance with §195.402(d).

5. §195.452 Pipeline integrity management in high consequence areas.

(f) What are the elements of an integrity management program? An integrity management program begins with the initial framework. An operator must continually change the

program to reflect operating experience, conclusions drawn from results of the integrity assessments, and other maintenance and surveillance data, and evaluation of consequences of a failure on the high consequence area. An operator must include, at minimum, each of the following elements in its written integrity management program:

(7) Methods to measure the program's effectiveness (see paragraph (k) of this section)

(k) What methods to measure program effectiveness must be used? An operator's program must include methods to measure whether the program is effective in assessing and evaluating the integrity of each pipeline segment and in protecting the high consequence areas. See Appendix C of this part for guidance on methods that can be used to evaluate a program's effectiveness.

Western Refining's integrity management program Section 3 is inadequate in that it does not consider many of the evaluation methods found in Part 195 Appendix C (5)V(D). The operator is primarily focused on In-Line Inspection results and remediation. An operator's Integrity Management Program should be measuring the effectiveness of all the programs that reside in their Integrity Management plan.

Western Refining must amend its process and procedures to adequately describe the requirements for measuring an integrity management program effectiveness and ensure compliance with §195.452(f)(7).

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 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 Wester Refining Pipelines, 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 Mary McDaniel, Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF-4-2018-5015M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



Mary L. McDaniel, P.E.
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

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