

NOTICE OF AMENDMENT

ELECTRONIC MAIL - RETURN RECEIPT REQUESTED

October 31, 2022

Greet Gatlin
Vice President of Operations
Breitburn Operating L.P.
1111 Bagby Street
Suite 1600
Houston, Texas 77002

CPF 4-2022-060-NOA

Dear Mr. Gatlin:

From February 22 to June 22, 2022, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Breitburn Operating L.P.'s (Breitburn) operations and maintenance procedures.

Based on the inspection, PHMSA has identified the apparent inadequacies found within Breitburn's plans and procedures, as described below:

1. § 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.

§ 195.414 Inspections of pipelines in areas affected by extreme weather and natural disasters.

(a) *General.* Following an extreme weather event or natural disaster that has the likelihood of damage to infrastructure by the scouring or movement of the soil surrounding the pipeline, such as a named tropical storm or hurricane; a flood that exceeds the river, shoreline, or creek high-water banks in the area of the pipeline; a landslide in the area of the pipeline; or an earthquake in the area of the pipeline, an operator must inspect all potentially affected pipeline facilities to detect

conditions that could adversely affect the safe operation of that pipeline.

(b) *Inspection method.* An operator must consider the nature of the event and the physical characteristics, operating conditions, location, and prior history of the affected pipeline in determining the appropriate method for performing the initial inspection to determine the extent of any damage and the need for the additional assessments required under paragraph (a) of this section.

(c) *Time period.* The inspection required under paragraph (a) of this section must commence within 72 hours after the cessation of the event, defined as the point in time when the affected area can be safely accessed by the personnel and equipment required to perform the inspection as determined under paragraph (b) of this section. In the event that the operator is unable to commence the inspection due to the unavailability of personnel or equipment, the operator must notify the appropriate PHMSA Region Director as soon as practicable.

Breitburn's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Specifically, Breitburn's written Maverick Natural Resources CO2 Pipeline Liquid Operations and Maintenance Manual (Dec. 2020) (O&M), P-195.402(e): Handling Emergencies fails to include the information required by § 195.414(a)-(c).

Breitburn's O&M, P-195.402(e): Handling Emergencies fails to include guidance for determining the appropriate method for performing the initial inspections to determine the extent of any damage after landslides and earthquakes, and the need for the additional assessments in accordance with § 195.414(b).

Breitburn's O&M, P-195.402(e): Handling Emergencies includes a provision for the inspection of the pipeline during and following floods, high winds, and tornadoes; however, it fails to state that each inspection must be commenced within 72 hours after cessation of the emergency event and fails to mention each type of extreme weather event, such as landslides, scouring, soil movement, and earthquakes in accordance with § 195.414(a) and (c).

Therefore, Breitburn's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Breitburn must revise its procedures to address the requirements in § 195.414.

2. § 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.

§ 195.401 General requirements.

(a)

(b) **An operator must make repairs on its pipeline system according to the following requirements:**

(1) ***Non Integrity management repairs.*** Whenever an operator discovers any condition that could adversely affect the safe operation of its pipeline system, it must correct the condition within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the operator may not operate the affected part of the system until it has corrected the unsafe condition.

(2) ***Integrity management repairs.*** When an operator discovers a condition on a pipeline covered under § 195.452, the operator must correct the condition as prescribed in § 195.452(h).

(3) ***Prioritizing repairs.*** An operator must consider the risk to people, property, and the environment in prioritizing the correction of any conditions referenced in paragraphs (b)(1) and (2) of this section.

Breitbart's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Specifically, Breitbart's O&M fails to specify a reasonable time frame by which it must correct any discovered condition that could adversely affect the safe operation of its pipeline system as required by §§ 195.401(b) and 195.422.

Breitbart's O&M fails to specify when temporary repairs must be replaced with permanent repairs. In accordance with §§ 195.401(b) and 195.422, permanent repairs must be made within a reasonable time and in a safe manner so as to prevent damage to persons or property.

Therefore, Breitbart's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Breitbart must revise its procedures to address this requirement.

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.**

§ 195.404 Maps and records.

(a)

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

(1)

(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.

Breitburn's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Specifically, Breitburn's O&M, P-195.404 – Maps & Records fails to state that a record of each inspection and test must be kept for at least two years or until the next inspection or test is performed, whichever is longer as required by § 195.404(c)(3).

Therefore, Breitburn's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Breitburn must revise its procedures to address the requirement in § 195.404(c)(3).

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

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

(a)

(e) *Corrective action.* You must correct any identified deficiency in corrosion control as required by § 195.401(b). However, if the deficiency involves a pipeline in an integrity management program under § 195.452, you must correct the deficiency as required by § 195.452(h).

Breitburn's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Specifically, Breitburn's O&M, P-195.573(a): Monitor External Corrosion Control: Protected Pipelines; Determination of Need fails to include details on correcting identified corrosion control deficiencies.

Breitburn's O&M, P-195.573(a): Monitor External Corrosion Control: Protected Pipelines; Determination of Need states that "Sound Engineering judgment shall be applied in considering potential deficiencies identified in field data." However, the procedure fails to include a process for evaluating and remediating cathodic protection (CP) deficiencies for external and atmospheric corrosion (e.g., test lead repairs, rectifier replacement, ground bed replacements, low CP readings, low CIS readings, exposed pipe report, etc.). The procedure also fails to include a process to follow up on low CP readings and fails to include a process to verify the completion of remediations.

Therefore, Breitburn's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Breitburn 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 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 Breitburn Operating L.P. maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Bryan Lethcoe, Regional Director, Southwest, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 4-2022-060-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Bryan Lethcoe
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

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

cc: Austin Tramell, Regulatory Mgr., Breitburn Operating L.P.,
austin.tramell@mavresources.com