



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

8701 S. Gessner, Suite 630
Houston TX 77074

NOTICE OF AMENDMENT

VIA ELECTRONIC MAIL

April 3, 2023

Mr. Brad Barron
President and Chief Executive Officer
NuStar Pipeline Operating Partnership L.P.
19003 IH-10 West
San Antonio, Texas 78257

CPF 4-2023-020-NOA

Dear Mr. Barron,

From December 7 through December 11, 2020, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code (U.S.C), virtually inspected NuStar Pipeline Operating Partnership L.P. (NuStar) operations and maintenance procedures for control room management (CRM).

Based on the inspection, PHMSA has identified the apparent inadequacies found within NuStar's 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.

§ 195.444 CPM leak detection.

(a)

(c) *CPM leak detection systems.* Each computational pipeline monitoring (CPM) leak detection system installed on a hazardous liquid pipeline must comply with API RP 1130 (incorporated by reference, *see* § 195.3) in operating, maintaining, testing, record keeping, and dispatcher training of the system.

NuStar'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, NuStar's computational pipeline monitoring (CPM) leak detection procedures failed to include dispatcher training in accordance with § 195.444(c) and API RP 1130.

NuStar provided its Training Manual (November 10, 2021). However, this manual failed to include CPM leak detection dispatcher training. NuStar also provided a presentation on leak detection. However, a presentation cannot be considered an adequate training procedure, and this presentation failed to include important details, such as what a controller would need to know to operate, maintain, test, and document the leak detection system.

NuStar's November 8, 2021, Alarm Management Plan (AMP), its September 2020 CRM Plan, its September 2020 General Systems Manual (GSM) and its November 10, 2021, Training Manual each contain information relating to NuStar's CPM procedures, but they failed to include dispatcher training and failed to accurately cross-reference the other manuals. NuStar also failed to update its GSM after it updated the name of its leak detection system.

Therefore, NuStar'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). NuStar must revise its procedures to include a CPM and leak detection training program with accurate cross-references and updated terms.

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)

(15) Implementing the applicable control room management procedures required by § 195.446.

§ 195.446 Control room management.

(a)

(c) *Provide adequate information.* Each operator must provide its controllers with the information, tools, processes and procedures necessary for the controllers to carry out the roles and responsibilities the operator has defined by performing each of the following:

(1)

(3) Test and verify an internal communication plan to provide adequate means for manual operation of the pipeline safely, at least once each calendar year, but at intervals not to exceed 15 months;

NuStar's written control room management procedures were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(15). Specifically, NuStar's CRM Plan failed

to include adequate procedures to test and verify an internal communication plan to provide adequate means for manual operation of the pipeline safely, at least once each calendar year, but at intervals not to exceed 15 months in accordance with § 195.446(c)(3).

Under section 3.4 of the CRM Plan, NuStar tests and documents its manual operations through a simulated manual operation scenario, which includes a tabletop training exercise, in accordance with section 3.10 of the GSM. However, the CRM Plan and GSM failed to include procedures for the manual operation of the pipeline.

Therefore, NuStar's written control room management procedures were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(15). NuStar must revise its CRM Plan to include procedures to test and verify an internal communication plan to provide adequate means for manual operation of the pipeline safely.

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)

(15) Implementing the applicable control room management procedures required by § 195.446.

§ 195.446 Control room management.

(a)

(b) *Provide adequate information.* Each operator must provide its controllers with the information, tools, processes and procedures necessary for the controllers to carry out the roles and responsibilities the operator has defined by performing each of the following:

(1) Implement API RP 1165 (incorporated by reference, *see* § 195.3) whenever a SCADA system is added, expanded or replaced, unless the operator demonstrates that certain provisions of API RP 1165 are not practical for the SCADA system used;

NuStar's written control room management procedures were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(15). Specifically, NuStar's CRM Plan failed to include procedures implementing section 5.3 of API RP 1165 which requires periodic reviews of display response times in accordance with § 195.446(b)(1).

Although NuStar provided documentation indicating it conducted periodic reviews of the display response time, the CRM Plan failed to include procedures for this periodic review.

Therefore, NuStar's written control room management procedures were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(15). NuStar must revise its CRM Plan to include procedures for a periodic review of the display response time, including identifying conditions that necessitate a review.

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 NuStar Logistics, 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, Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 4-2023-020-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