



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

12300 W. Dakota Ave., Suite 110
Lakewood, CO 80228

NOTICE OF AMENDMENT

VIA E-MAIL TO MR. TAD TRUE

March 1, 2022

Mr. Tad True
President
Belle Fourche Pipeline Company
455 N. Poplar St.
P.O. Drawer 2360
Casper, WY 82602

CPF 5-2022-026-NOA

Dear Mr. True:

Between August and November 2021, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, conducted a pipeline safety inspection of the records and procedures of Belle Fourche Pipeline Company (Belle Fourche) for its Donkey Creek hazardous liquid pipeline system located in Wyoming.

On the basis of the inspection, PHMSA has identified an apparent inadequacy found within Belle Fourche's plans or 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.**

Belle Fourche's written procedures are inadequate to assure safe operation of a pipeline facility. Pursuant to § 195.428(a), operators must, at the requisite intervals, test overpressure safety devices to determine each is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.¹

Belle Fourche's O&M Procedure: 5.0 - Maintenance Procedures, Section 5.7 Over Pressure Safety Devices sets forth the testing and inspection criteria for overpressure safety devices, and notes that Form PL-504 *Safety Device Inspection Report* must be completed for each inspection. Although Section 5.7.3 notes that testing will be performed to ensure that each device is functioning properly, is in good mechanical condition, is adequate from the standpoint of capacity and reliability of operation for the service in which it is used, and is set to function at the correct pressure, Form PL-504 does not capture this information. For example, Form PL-504 does not have any information or indication that the capacity of each device was tested and confirmation that it is functioning properly, is in good mechanical condition, and is adequate from a capacity and reliability of operation standpoint.²

Belle Fourche must revise Form PL-504 to include indications that each device was tested, and confirmation that each is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used pursuant to the requirements set forth in § 195.428(a).

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

¹ See §195.428(a)(noting that “[e]xcept as provided in paragraph (b) of this section, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, or in the case of pipelines used to carry highly volatile liquids, at intervals not to exceed 7 ½ months, but at least twice each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used”).

² See Form PL-504 (including entries for device number and function/type, setting found/left and operational setting, MOP and comments) (Rev. Apr. 2017) (on file with PHMSA).

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 Belle Fourche maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Dustin Hubbard, Director, Western Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 5-2022-026-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Dustin Hubbard
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

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

cc: PHP-60 Compliance Registry
PHP-500 M. Petronis (#21-219863)