



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

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

## **WARNING LETTER**

### **VIA E-MAIL TO MR. EDWARD LUEBKE:**

February 8, 2023

Mr. Edward Luebke  
Vice-President  
Seaport Midstream Partners, LLC.  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

**CPF 5-2023-024-WL**

Dear Mr. Luebke:

From September 26, 2022, through September 29, 2022, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Seaport Midstream Partners, LLC's (Seaport Midstream) Portland Oregon Tank Farm.

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

**1. § 195.420 Valve maintenance.**

**(a) . . . .**

**(b) Each operator shall, at intervals not exceeding 7 1/2 months, but at least twice each calendar year, inspect each mainline valve to determine that it is functioning properly.**

Seaport Midstream failed to inspect each mainline valve at intervals not exceeding 7½ months, but at least twice each calendar year, to determine that it is functioning properly. During the

inspection, PHMSA reviewed Seaport Midstream's Critical Valve Inspection Report records for the Portland, Oregon, North and South Tank Farms. The Critical Valve Inspection Report records indicated that last valve inspections in 2021 for all regulated valves (27) were inspected on November 2, 2021 and then on July 4, 2022. The interval between these two inspections exceeded the 7½ month requirement by 19 days. Thus, Seaport Midstream Partners failed to inspect its valves at intervals not exceeding 7½ months, but at least twice each calendar year.

| Critical Valve                                                                                                                                                                                                                                                                | Last Inspection in 2021 | First 2022 Inspection Due Date (225 days) | First Inspection In 2022 | Days Late (Exceeding 7 ½ months) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------------------------|--------------------------|----------------------------------|
| MLV-0611, MLV-0626, MLV-1226, MLV-0829, MLV-0834, MLV-0823, MLV-1005, MLV-0604, MLV-1020, MLV-1430, MLV-1437, MLV-1481, MLV-1452, MLV-0808, MLV-1813, MLV-1814, MLV-1409, MLV-1420, MLV-1471, MLV-1480, MLV-1903, MLV-1905, MLV-1917, MLV-544, MLV-1220, MLV-54031, MLV-54029 | 11/02/2021              | 06/15/2022                                | 07/04/2022               | 19 Days                          |

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$257,664 per violation per day the violation persists, up to a maximum of \$2,576,627 for a related series of violations. For violation occurring on or after March 21, 2022 and before January 6, 2023, the maximum penalty may not exceed \$239,142 per violation per day the violation persists, up to a maximum of \$2,391,142 for a related series of violations. For violation occurring on or after May 3, 2021 and before March 21, 2022, the maximum penalty may not exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violation occurring on or after January 11, 2021 and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violation occurring on or after July 31, 2019 and before January 11, 2021, the maximum penalty may not exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. 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.

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 Seaport Midstream Partners, LLC being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply in your correspondence, please refer to **5-2023-024-WL**. 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,

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

cc: PHP-60 Compliance Registry  
PHP-500 B. Brown, C. Cordova (#21-202677)