



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

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

NOTICE OF AMENDMENT

VIA ELECTRONIC MAIL TO: kelleherk@ugicorp.com

April 18, 2023

Mr. Kevin Kelleher
Vice President, Operations
AmeriGas Propane LP
460 N. Gulph Rd.
King of Prussia, PA 19406

CPF 5-2023-028-NOA

Dear Mr. Kelleher:

From November 2 through December 8, 2022, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), conducted a virtual inspection of AmeriGas's procedures for operations and maintenance of their liquified petroleum distribution systems in Hawaii.

As a result of the inspection, PHMSA has identified the apparent inadequacies within AmeriGas's specifications and procedures. The items inspected and the inadequacies are described below:

1. § 192.303 Compliance with specifications or standards.

Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

AmeriGas failed to prepare a written specification for the construction of mains that is consistent with the requirements of 49 CFR 192. AmeriGas's plastic pipe construction specification is found within their "Pipeline Safety Operations and Maintenance Manual" (Rev. January 2022) (specifically the section within that document titled "Plastic Pipe"). This document does not include the specific requirements for mechanical fittings described in 49 CFR 192.281(e)(3) and

(4). AmeriGas exclusively uses mechanical stab fittings for the construction, replacement, or repair of plastic pipe and, therefore, must amend this document to ensure the fittings they use are consistent with the requirements 49 CFR 192.281(e)(3) and (4).

2. § 192.605 Procedural manual for operations, maintenance, and emergencies.

(a)

(b) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.

(1) Operating, maintaining, and repairing the pipeline in accordance with each of the requirements of this subpart and subpart M of this part.

AmeriGas's operations and maintenance manual lacked adequate procedures for repairing pipeline leaks in accordance with subpart M. Specifically, the "Pipeline Safety Operations and Maintenance Manual" (Rev. January 2022) did not prohibit the use of mechanical leak clamps as a permanent repair per 49 CFR 192.720. AmeriGas must amend this document to ensure that mechanical leak clamps are not used as a permanent repair method for plastic pipe.

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 90 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 AmeriGas 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 5-2023-028-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 J. Gano (#22-251181)
David Hedrick, AmeriGas Propane LP (david.hedrick@amerigas.com)