

NOTICE OF AMENDMENT

VIA ELECTRONIC MAIL TO: Craig.Hoeferlin@spireenergy.com

November 2, 2023

Mr. Craig Hoeferlin
Vice President, Operations Services and SMS
Clear Creek Storage Company, LLC
700 Market Street
St. Louis, MO 63101

CPF 5-2023-047-NOA

Dear Mr. Hoeferlin:

From September 26 through 30, 2022, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected the Clear Creek Storage Company, LLC (Clear Creek) control room procedures and records for the control room located at the Clear Creek Storage field north of Evanston, Wyoming.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Clear Creek's procedures, as described below:

1. **§ 192.605 Procedural manual for operations, maintenance, and emergencies.**
 - (a) ***General.*** Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year...

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the Clear Creek Control Room Management Manual (CRMM) showed that it did not have a process to require that the fatigue education and training program be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year.

Therefore, Clear Creek must amend its CRMM to provide for the annual review of the fatigue education and training program.

2. § 192.631 Control room management.

(a) . . .

(b) *Roles and responsibilities.* Each operator must define the roles and responsibilities of a controller during normal, abnormal, and emergency operating conditions.

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM demonstrated that it did not adequately describe the physical domain of responsibility of the controller. CRMM section 1.5 specified that only the North/South Loop – 8" & 6" and Well to Plant Lines – 4" & 6" pipelines were covered by the CRMM. However, during the PHMSA inspection, Clear Creek informed PHMSA that the controller also monitors and controls other equipment and facilities on site, such as the processing plant and the property within the fence line. The PHMSA inspector also observed a controller monitoring locations outside of the North/South Loop – 8" & 6" and Well to Plant lines – 4" & 6". However, upon PHMSA review of the CRMM, it became evident that the CRMM failed to include those roles and responsibilities of the controller.

Therefore, Clear Creek must amend its CRMM to fully describe the controller's roles and physical domain of responsibility for the entire site.

3. § 192.631 Control room management.

(a) . . .

(b) *Roles and responsibilities.* Each operator must define the roles and responsibilities of a controller during normal, abnormal, and emergency operating conditions. To provide for a controller's prompt and appropriate response to operating conditions, an operator must define each of the following:

(1) . . .

(3) A controller's role during an emergency, even if the controller is not the first to detect the emergency, including the controller's responsibility to take specific actions and to communicate with others;

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM demonstrated that it did not have a process to describe non-process emergencies (i.e. natural disasters, etc.) that require the evacuation of the control room.

Therefore, Clear Creek must amend its CRMM to address non-process emergencies that require evacuation of the control room.

4. § 192.631 Control room management.

(a) ...

(b) ***Roles and responsibilities.*** Each operator must define the roles and responsibilities of a controller during normal, abnormal, and emergency operating conditions. To provide for a controller's prompt and appropriate response to operating conditions, an operator must define each of the following:

(1) ...

(4) **A method of recording controller shift-changes and any hand-over of responsibility between controllers;**

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of CRMM established it did not have a process to describe the circumstances when the controller leaves the control room console unattended. Clear Creek controllers have duties that regularly take them away from the control room console and out into the plant facilities.

Therefore, Clear Creek must amend its CRMM to include the circumstances when the controller leaves the control room console unattended.

5. § 192.631 Control room management.

(a) ...

(b) ***Roles and responsibilities.*** Each operator must define the roles and responsibilities of a controller during normal, abnormal, and emergency operating conditions. To provide for a controller's prompt and appropriate response to operating conditions, an operator must define each of the following:

(1) ...

(5) **The roles, responsibilities and qualifications of others with the authority to direct or supersede the specific technical actions of a controller.**

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM provided that it did not describe who had the authority to direct or supersede the specific technical actions of a controller.

Therefore, Clear Creek must amend its CRMM to include a description of who has the authority to direct or supersede the specific technical actions of a controller.

6. § 192.631 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) Implement sections 1, 4, 8, 9, 11.1, and 11.3 of API RP 1165 (incorporated by reference, see § 192.7) whenever a SCADA system is added, expanded or replaced, unless the operator demonstrates that certain provisions of sections 1, 4, 8, 9, 11.1, and 11.3 of API RP 1165 are not practical for the SCADA system used;

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM demonstrated that the manual did not have a process for the implementation of API RP 1165 as required by § 192.631(c)(1) whenever a SCADA system is added, expanded or replaced.

Therefore, Clear Creek must amend its CRMM to include procedures for implementation of sections 1, 4, 8, 9, 11.1, and 11.3 of API RP 1165 whenever a SCADA system is added, expanded or replaced or include an explanation providing for why certain required provisions are not practical for the SCADA system used.

7. § 192.631 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) ...

(2) Conduct a point-to-point verification between SCADA displays and related field equipment when field equipment is added or moved and when other changes that affect pipeline safety are made to field equipment or SCADA displays;

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of CRMM found that the manual did not define and identify the circumstances which require a point-to-point verification or the method by which to document the point-to-point verification.

Therefore, Clear Creek must amend its CRMM to include a process of defining and identifying the circumstances which require a point-to-point verification.

8. § 192.631 Control room management.

(a) ...

(g) *Operating experience.* Each operator must assure that lessons learned from its operating experience are incorporated, as appropriate, into its control room management procedures by performing each of the following:

(1) Review incidents that must be reported pursuant to 49 CFR part 191 to determine if control room actions contributed to the event and, if so, correct, where necessary, deficiencies related to:

- (i) Controller fatigue;
 - (ii) Field equipment;
 - (iii) The operation of any relief device;
 - (iv) Procedures;
 - (v) SCADA system configuration; and
 - (vi) SCADA system performance.
- (2) Include lessons learned from the operator's experience in the training program required by this section.**

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM demonstrated that the manual did not include a procedure requiring training of controllers, on lessons learned from reportable incidents/accidents, near misses, leaks, operational and maintenance errors, and other operating experiences.

Clear Creek must amend its CRMM to include a process incorporating lessons learned from its operating experience, as appropriate.

9. § 192.631 Control room management.

- (a) ...
- (h) *Training.* Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator.**

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM found that it did not have a process to review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months.

Clear Creek must amend its CRMM to establish and review a controller training program to safely carry out the roles and responsibilities defined by the operator.

10. § 192.631 Control room management.

- (a)
- (h) *Training.* Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator. In addition, the training program must include the following elements:**
 - (1) Responding to abnormal operating conditions likely to occur simultaneously or in sequence;**

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM found that the controller training program did not include a process for providing controller training on responding to abnormal operating conditions likely to occur simultaneously or in sequence.

Therefore, Clear Creek must amend its CRMM to provide training for responding to abnormal operating conditions likely to occur simultaneously or in sequence.

11. § 192.631 Control room management.

(a)

(h) **Training.** Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator. In addition, the training program must include the following elements:

(1)

(3) **Training controllers on their responsibilities for communication under the operator's emergency response procedures; ...**

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM controller training program demonstrated that it did not have a process to provide controllers training on their responsibilities for communication under the operator's emergency response procedures.

Therefore, Clear Creek must amend its CRMM to include a process for providing training to controllers on their responsibilities for communication under the operator's emergency response procedures.

12. § 192.631 Control room management.

(a)

(h) **Training.** Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator. In addition, the training program must include the following elements:

(1)

(4) **Training that will provide a controller a working knowledge of the pipeline system, especially during the development of abnormal operating conditions; ...**

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM found that it did not have a process to

provide controllers a working knowledge of the pipeline system and facilities, especially during the development of abnormal operating conditions.

Clear Creek must amend its CRMM to incorporate a process for providing controllers a working knowledge of the pipeline system and facilities.

13. § 192.631 Control room management.

(a)

(h) *Training.* Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator. In addition, the training program must include the following elements:

(1)

(5) For pipeline operating setups that are periodically, but infrequently used, providing an opportunity for controllers to review relevant procedures in advance of their application;

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM found that it did not have a process to provide controllers an opportunity to review relevant procedures for pipeline operating setups that are periodically, but infrequently used, in advance of their application.

Therefore, Clear Creek must amend its CRMM to provide controllers an opportunity to review procedures for infrequently used pipeline operating setups in advance of their application.

14. § 192.631 Control room management.

(a)

(h) *Training.* Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator. In addition, the training program must include the following elements:

(1)

(6) Control room team training and exercises that include both controllers and other individuals, defined by the operator, who would reasonably be expected to operationally collaborate with controllers (control room personnel) during normal, abnormal or emergency situations. Operators must comply with the team training requirements under this paragraph by no later than January 23, 2018.

Clear Creek's procedures were inadequate to ensure the safe operation of a pipeline facility. Specifically, during inspection, a review of the CRMM found that it did not contain team training procedures as required pursuant to § 192.631(h)(6).

Therefore, Clear Creek must amend its CRMM to include procedures for control room team training and exercises that include both controllers and other individuals, defined by the operator, who would reasonably be expected to operationally collaborate with controllers (control room personnel) during normal, abnormal, or emergency situations.

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 Enforcement 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 Clear Creek Storage Company, LLC 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 5-2023-047-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. Dunphy (#22-239215)
Randy Wilson, Director, Pipeline & System Integrity – Randy.Wilson@spireenergy.com