

**WARNING LETTER**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

February 25, 2000

Mr. George Rootes  
President  
Equilon Pipeline, L. L. C.  
Two Shell Plaza  
Houston, Texas 77252

CPF No. 420005003W

Dear Mr. Rootes:

Between October 1, 1999 and November 12, 1999, representatives of the Southwest Region, Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code, conducted an accident investigation of an Equilon Pipeline Company gasoline release at the Midland Basin Terminal in Midland, Texas.

As a result of this investigation, it appears that a probable violation of the pipeline safety regulations (Title 49, Code of Federal Regulations, Parts 195 and 199) has been committed, as follows:

1. **§195.52 Telephonic notice of certain accidents.**  
(a) **At the earliest practicable moment following discovery of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in §195.50, an operator shall give notice....**

Equilon Pipeline Company failed to provide telephonic notice of the above mentioned accident "at the earliest practicable moment following discovery" in accordance with §195.52. The NRC Report #500837 indicates that the time of the spill was 2245 (Central Time) on September 30, 1999 and it was called into the NRC at 0305 (Central Time) on October 1, 1999. This is approximately 4 hours after the spill occurred. An Alert Notice (ALN-91-01) issued by the Department of Transportation, dated April 5, 1991, requires that telephonic reports be made within one to two hours after discovery.

2. **§199.11 Drug Tests Required**  
(b) **Post-Accident testing. As soon as possible but no later than 32 hours after an accident, an operator shall**

drug test each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. If an employee is injured, unconscious or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine sample. An operator may decide not to test under this paragraph but such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident of that, because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.

Equilon Pipeline Company failed to drug test the maintenance crew that left a two inch drain valve open. As a result, a sump tank overflowed and approximately 1360 barrels of gasoline was released onto the soil. According to §195.50 (b), the loss of 50 barrels of a hazardous liquid is considered a reportable accident. Therefore, a drug test should have been performed no later than 32 hours after said accident.

In addition to the above items we have some other areas of concern. According to the Equilon Transportation Procedure 2.2, "At the discretion of the facility/local supervision, this permit form may be used for work that does not otherwise require a permit. For example, contractor pre-entry, safe work plan for nitrogen purging, lockout/tagout, etc." Some of the events that took place in order to complete the installation of the water sampling pot included close coordination between the Control Center and the field, the draining of flammable product, and the use of Lower Explosive Limit monitors.

The purpose of the Work Authorization Permit is "to be used as a Job Safety Analysis to identify recognized hazards, and to foster communication about the safety aspects of the work that is being authorized." OPS feels the tasks performed during the installation of the water sampling receptacle (use of Lower Explosive Limit monitors, Control Center coordination) met the criteria for the generation of a Work Authorization Permit. It is our conclusion that the risk for the accident may have been reduced had the Permit been issued. Equilon should review their procedures related to the use of Work Authorization Permits.

Another area of concern is that information about the type of work being conducted and its completion was not passed on to the

oncoming Controller during a shift change. Consequently, the Controller did not suspect a possible problem occurring at the accident site since he did not know that work had been performed there. Equilon should review their procedures on the distribution of Controller data entry information during shift changes.

Finally, the high-level alarm that had been installed in the sump was not connected to the SCADA alarm system. If it had been connected at the time of the maintenance task the Control Center would have alarmed the level of product in the sump was high and that the Controller should consider shutting the system down. Equilon should take the necessary steps to ensure that safety devices and high level alarms are operating in a manner in which they were designed.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to assess you a civil penalty. We advise you, however, that should you not correct the circumstances leading to the violations, we will take enforcement action when and if the continued violations comes to our attention.

Because of the good faith that you have exhibited up to this time, we expect that you will act to bring your pipeline (and/or your operations) into compliance with pipeline safety regulations.

Sincerely,

R. M. Seeley  
Southwest Region