

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED CIVIL PENALTY**

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 23, 2013

Mr. Robert L. Rose
President
Tampa Airport Pipeline Corporation
P.O. Box 35236
Sarasota, FL 34242

CPF 2-2013-6010

Dear Mr. Rose:

On May 13-17, 2013, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Southern Region, Office of Pipeline Safety (OPS) inspected the Tampa Airport Pipeline Corporation (TAPC) control room in Tampa, Florida, pursuant to Chapter 601 of 49 United States Code.

As a result of the inspection, it appears that TAPC has committed probable violations of the Pipeline Safety Regulations codified in Title 49 of the Code of Federal Regulations. The items inspected and the probable violations are as follows:

1. § 195.446 Control room management.

(a) General. This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section. The procedures required by this section must be integrated, as appropriate, with the operator's written procedures required by § 195.402. An operator must develop the procedures no later than August 1, 2011, and must implement the procedures according to the following schedule. The procedures required by paragraphs (b), (c)(5), (d)(2) and (d)(3), (f) and (g) of this section must be implemented no later than October 1, 2011. The procedures required by paragraphs (c)(1) through (4), (d)(1), (d)(4), and (e) must be implemented no later than August 1, 2012. The training procedures required by paragraph (h) must be

implemented no later than August 1, 2012, except that any training required by another paragraph of this section must be implemented no later than the deadline for that paragraph

TAPC did not follow its written control room management (CRM) procedures that implement the requirements of this section [i.e. §195.446].

TAPC's written CRM procedures were contained in TAPC's Operations & Maintenance Procedure Manual (O&M Manual). The following were sections pertaining to CRM in TAPC's O&M Manual.

- Section 8.8.1 stated that TAPC's *Alarm Management Plan* included identified safety-related alarms. But, TAPC did not have an *Alarm Management Plan*, and had not identified and documented which of its alarms were “*safety-related alarms.*”
- Section 8.11.5 required TAPC to “... *monitor the content and volume of general activity being directed to and required of each controller that will assure controllers have sufficient time to analyze and react to incoming alarms*” as required by §195.446(e)(5). But, TAPC had not monitored and documented the content and volume of general activity being directed to and required of each controller.
- Section 8.11.1 conveyed, in part, that the established training program would include “*Responding to abnormal operating conditions likely to occur simultaneously or in sequence*” [reference also §195.446(h)(1)]. But, between August 1, 2012, and May 13, 2013, TAPC had not included in its training program specific examples or scenarios of abnormal operating conditions likely to occur simultaneously or in sequence.
- Section 8.5.1 conveyed that the shift turnover process “. . . *items may include but not limited to . . . record of accountability transfer; sign-in and sign-out SCADA log will maintain record of accountable controller. Briefing items will be captured on Operators shift change form, indicating acceptable briefing has been provided to on-coming controller.*” But, TAPC could not provide the PHMSA inspector with the aforementioned *Operators shift change form*, and shift changes occurring prior to May 17, 2013 were recorded on the Daily Fuel Transfer Record and attachments. Reference also §195.446(c)(5).

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violations and has recommended that you be preliminarily assessed a civil penalty of \$26,800 as follows:

Item number

1

PENALTY

\$26,800

Response to this Notice

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. All material submit in response to this enforcement action may be 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). 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 a Final Order.

In your correspondence on this matter, please refer to **CPF 2-2013-6010** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Wayne T. Lemoi
Director, Office of Pipeline Safety
PHMSA Southern Region

Enclosures: *Response Options for Pipeline Operators in Compliance Proceedings*