



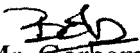
U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

SEP 22 2009

Mr. Robert G. Gorham
Division Chief
Office of the State Fire Marshal
Pipeline Safety Division
Department of Forestry and Fire Protection
3950 Paramount Boulevard, #210
Lakewood, CA 90712

Dear ~~Mr. Gorham:~~ 

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has reviewed your letter of July 8, 2009, notifying us that the California Office of the State Fire Marshal (CSFM), proposes to grant NuStar Energy (NuStar) a waiver from 49 CFR 195.306(b)(1). NuStar requested that CSFM modify compliance with 49 CFR 195.306(b)(1) as adopted by California pursuant to section 51011 California Government Code, and allow NuStar to test certain product lines using high flash jet fuel and high flash diesel fuel as the test medium.

PHMSA does not object to the waiver of 49 CFR 195.306(b)(1) to NuStar Energy based on the conditions specified by CSFM.

If you wish to discuss this special permit or any other pipeline safety matter, my staff would be pleased to assist you. Please call John Gale, Director of Regulations, at 202-366-0434, for regulatory matters or Alan Mayberry, Director of Engineering and Emergency Support at 202-366-5124 for technical matters.

Sincerely,

Jeffrey D. Wiese
Associate Administrator for Pipeline Safety



OFFICE OF THE STATE FIRE MARSHAL
Pipeline Safety Division
DEPARTMENT OF FORESTRY AND FIRE PROTECTION

3950 Paramount Blvd. #210
 Lakewood, CA 90712
 Phone: (562) 497-9100
 Website: www.fire.ca.gov



CERTIFIED MAIL- RETURNED RECEIPT REQUESTED

July 8, 2009

JUL 13 2009

Mr. Jeffrey D. Wiese
 Associate Administrator for Pipeline Safety
 U.S. Department of Transportation, PHMSA
 1200 New Jersey Avenue, SE
 Washington, D.C. 20590

Dear Mr. Wiese:

Subject: Request for waiver from Part 195.306 (b) (1), test medium.

Operator: NuStar Energy - OPINS# 31454
 90 San Pablo Avenue
 Crockett, CA 94525
 (510) 787-1076

Pipeline: CSFM #0634	12.500" P-1 refined products line (1.10 miles)
CSFM #0635	12.500" P-2 refined products line (1.10 miles)
CSFM #0771	12.500" P-5 refined products line (1.10 miles)
CSFM #0772	12.500" P-4 refined products line (1.10 miles)

The above operator has requested a waiver from 49 CFR 195.306 (b) (1) for testing their 12.500" P-1, P-2, P-3 and P-4 refined product lines using high flash jet fuel and high flash diesel fuel as the test medium. The four pipelines are intrastate pipelines and are located in Contra Costa County, California. The pipeline safety regulations in 49 CFR 195.306 (b) (1) allow for testing with liquid petroleum that does not vaporize rapidly if the entire pipeline section under test is outside of cities and other populated areas. The four pipelines originate at the NuStar Energy tank farm terminal and ends at their Marine Terminal dock. The pipeline operator is requesting to test with product because using water will eliminate the risk of contaminating the Federal Government jet fuel system, and prevents the costly generation, storage, treatment and disposal of approximately 4,000 barrels of contaminated test water.

Mr. Jeffrey D. Wiese
July 8, 2009
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California law requires each intrastate pipeline to be pressure tested every five years for four hours at 125% of MOP. It also gives the State Fire Marshal authority to authorize the use of liquid petroleum having a minimum flash point of 140 degrees Fahrenheit (high flash) as the test medium.

These four pipelines have been previously tested successfully using high flash jet fuel as the test medium (P-1, P-2, P-4, P-5) in 1999. NuStar Energy retested these four pipelines five years later using high flash diesel fuel (P-1 & P-2), and jet fuel (P-4 & P-5) as the test medium in 2004. A similar waiver was granted to the previous owners; ST Services in 2004.

A waiver is needed since Section 195.452, Pipeline Integrity Management, requires the testing to be conducted per Subpart E, which prohibits testing with product in cities and populated areas. All other conditions under Section 195.306 (b) will be met

Description of Pipeline Systems:

CSFM #0634	12.500" P-1 refined products line (1.10 miles)
CSFM #0635	12.500" P-2 refined products line (1.10 miles)
CSFM #0771	12.500" P-5 refined products line (1.10 miles)
CSFM #0772	12.500" P-4 refined products line (1.10 miles)

Refer to attachments for operating and line specifications.

I find that the proposed waiver is consistent with pipeline safety and is justified. Subject to your approval, the Office of the State Fire Marshal proposes to grant NuStar Energy a waiver from compliance with 49 CFR Part 195.306 (b) (1) to take effect approximately September 28, 2009.

Sincerely,



Robert Gorham
Division Chief

Cc: Mr. Chris Hoidal, Chief
Western Region
U.S. Department of Transportation
Office of Pipeline Safety, Western Region
12300 W. Dakota Ave. Suite 110
Lakewood, Colorado 80228

Attachments:
Draft letter granting approval of waiver
CSFM Product Test waiver checklist
Activity Report



OFFICE OF THE STATE FIRE MARSHAL
Pipeline Safety Division
DEPARTMENT OF FORESTRY AND FIRE PROTECTION

3950 Paramount Blvd. #210
Lakewood, CA 90712
Phone: (562) 497-9100
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September 2009

DRAFT

Mr. Mike McDonald
Terminal Manager
NuStar Energy
90 San Pablo Avenue
Crockett, California 94525

**RE: WAIVER REQUEST TO USE LIQUID PETROLEUM AS TEST MEDIUM
P-1, CSFM #0634; P-2, CSFM #0635; P-4, CSFM #0772; P-5, CSFM #0771**

Dear Mr. McDonald:

We have reviewed your February 9, 2009 request to use high flash jet fuel and high flash diesel as the test medium for pressure testing the above listed pipelines. As a general policy, we do not advocate testing pipeline systems with petroleum products. However, under special circumstances, pressure testing with a medium other than water is approved when using water is not feasible or when it creates significant hardship and/or operational problems. California Government Code Section 51014 (a) gives the State Fire Marshal authority to authorize the use of liquid petroleum having a flashpoint over 140 degrees Fahrenheit as the test medium. These four pipelines have been previously tested successfully using high flash jet fuel and high flash diesel fuel as the test medium in 1999 and 2004.

Your request is granted under the following conditions:

1. A testing procedure should be developed and available for review.
2. The test medium shall be high flash jet fuel and high flash diesel fuel (flashpoint > 140 degrees Fahrenheit)
3. The Fire Department having jurisdiction must be notified at least three days in advance of the test.
4. During the test, communication must be maintained along the entire pipeline route by mobile telephone or radio.

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5. Sufficient equipment (e.g. vacuum trucks, etc.) must be on standby in the event that they are needed should a rupture occur.

Please notify our office in Lakewood by phoning (562) 497-9100 as soon as you have a confirmed test date and to obtain a CSFM test I.D. for the test. If you have any questions, please contact Linda Zigler at (650) 400-6533.

Sincerely,

ROBERT G. GORHAM
Division Chief