

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 1, 2012

Mr. Steven Boyd
Vice President of Field Operations
Suburban Propane
3161 Cameron Park Drive, Suite 207
Cameron Park, CA 95682-7978

CPF 2-2012-0004W

Dear Mr. Boyd:

From December 5-9, 2011, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) inspected the Suburban Propane (Suburban) records and procedures in its North Miami, Florida, office and its liquefied petroleum gas (LPG) pipeline systems in Dade County, Florida, pursuant to Chapter 601 of 49 United States Code.

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

1. §192.11 Petroleum gas systems.

... (b) Each pipeline system subject to this part that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of this part and of ANSI/NFPA 58 and 59.

Suburban did not meet the requirements of NFPA 58 (2004), Section 6.7.4.6, which states that *“The point of discharge shall also be located not less than 5 ft (1.5 m) in any direction away from any source of ignition, openings into direct-vent (sealed combustion system) appliances, or mechanical ventilation air intakes.”*

Suburban installed the point of discharge from pressure relief devices on regulating equipment less than 5 feet from sources of ignition at the following locations:

- 1500 SW 131st Avenue at University Lakes
- 2787 E Marina Drive at Estates of Fort Lauderdale
- 501 135th Way at Sunshine City

2. §192.16 Customer notification.

(a) This section applies to each operator of a service line who does not maintain the customer's buried piping up to entry of the first building downstream, or, if the customer's buried piping does not enter a building, up to the principal gas utilization equipment or the first fence (or wall) that surrounds that equipment. For the purpose of this section, "customer's buried piping" does not include branch lines that serve yard lanterns, pool heaters, or other types of secondary equipment. Also, "maintain" means monitor for corrosion according to §192.465 if the customer's buried piping is metallic, survey for leaks according to §192.723, and if an unsafe condition is found, shut off the flow of gas, advise the customer of the need to repair the unsafe condition, or repair the unsafe condition.

(b) Each operator shall notify each customer once in writing of the following information:

- (1) The operator does not maintain the customer's buried piping.**
- (2) If the customer's buried piping is not maintained, it may be subject to the potential hazards of corrosion and leakage.**
- (3) Buried gas piping should be—**
 - (i) Periodically inspected for leaks;**
 - (ii) Periodically inspected for corrosion if the piping is metallic; and**
 - (iii) Repaired if any unsafe condition is discovered.**
- (4) When excavating near buried gas piping, the piping should be located in advance, and the excavation done by hand.**
- (5) The operator (if applicable), plumbing contractors, and heating contractors can assist in locating, inspecting, and repairing the customer's buried piping.**

(c) Each operator shall notify each customer not later than August 14, 1996, or 90 days after the customer first receives gas at a particular location, whichever is later. However, operators of master meter systems may continuously post a general notice in a prominent location frequented by customers.

(d) Each operator must make the following records available for inspection by the Administrator or a State agency participating under 49 U.S.C. 60105 or 60106:

- (1) A copy of the notice currently in use; and**
- (2) Evidence that notices have been sent to customers within the previous 3 years.**

Suburban did not notify each customer once in writing of the information required by the regulation within 90 days after its customers first received gas. Suburban did not have documentation to demonstrate that it had provided the notice required by §192.16(b) in the time allowed by §192.16(c). Moreover, Suburban did not have a copy of the notice currently in use as required by §192.16(d)(1). Photographic evidence of buried customer piping downstream of the meter was taken at 348 Big Cypress Drive in Seminole Estates.

3. §192.195 Protection against accidental overpressuring.

(a) General requirements. Except as provided in §192.197, each pipeline that is connected to a gas source so that the maximum allowable operating pressure could be exceeded as the result of pressure control failure or of some other type of failure, must have pressure relieving or pressure limiting devices that meet the requirements of §§192.199 and 192.201.

(b) Additional requirements for distribution systems. Each distribution system that is supplied from a source of gas that is at a higher pressure than the maximum allowable operating pressure for the system must—

- (1) Have pressure regulation devices capable of meeting the pressure, load, and other service conditions that will be experienced in normal operation of the system, and that could be activated in the event of failure of some portion of the system; and**
- (2) Be designed so as to prevent accidental overpressuring.**

Suburban failed to ensure that each pipeline that was connected to a gas source, for which the maximum allowable operating pressure could be exceeded as the result of pressure control failure or some other type of failure, had a pressure relieving or pressure limiting device that met the requirements §192.199 and §192.201.

Suburban supplies gas to its pipeline systems from LPG storage tanks capable of operating at well over 100 psig while its downstream pipeline systems have a maximum allowable operating pressure of 30 psig. There were not any additional over pressure relieving or pressure limiting devices installed on the pipelines downstream of its storage tanks that would have prevented accidental overpressuring of the pipeline systems had the primary regulator failed. The lack of overpressure protection was identified, during the field inspection, on the pipelines downstream of:

- the tank at 2523 Opa Locka
- the tank at 2525 Opa Locka
- tanks 5, 8, 10, and 13 at Boulevard Heights
- tanks 25 and 26 at Oakland Acres
- the tank at Randall Square
- tanks 1, 2, 4, and 5 at Stardust
- the tank at Sunshine Village (Note: though the operator had installed overpressure protection at this location, the PHMSA inspectors found the overpressure protection by-passed during the inspection leaving the downstream pipeline without protection from accidental overpressuring)
- tanks 9, 14, and 15 at University Lakes

4. § 192.353 Customer meters and regulators: Location.

(a) Each meter and service regulator, whether inside or outside a building, must be installed in a readily accessible location and be protected from corrosion and other damage, including, if installed outside a building, vehicular damage that may be anticipated. However, the upstream regulator in a series may be buried.

Suburban did not protect each meter and service regulator installed outside a building from vehicular damage. During the field inspection, a meter not protected from vehicular damage was found in the vacant lot adjacent to 1112 SW 127th Court in University Lakes.

Evidence of the probable violation is based on field observations of the inspectors and photographs that show the meter was not protected from vehicular damage and had probably been struck by a vehicle.

5. §192.463 External corrosion control: Cathodic protection.

(a) Each cathodic protection system required by this subpart must provide a level of cathodic protection that complies with one or more of the applicable criteria contained in appendix D of this part. If none of these criteria is applicable, the cathodic protection system must provide a level of cathodic protection at least equal to that provided by compliance with one or more of these criteria.

Suburban did not ensure that its installed cathodic protection systems provided a level of cathodic protection that complied with one or more of the applicable criteria contained in Appendix D of Part 192.

Cathodic protection testing performed during the inspection found locations with low¹ pipe-to-soil (p/s) readings indicating inadequate levels of cathodic protection. An abbreviated list of locations with associated low p/s readings follows:

-	<u>2523 Opa Locka</u>	<u>12/07/2011</u>	
-	Tank	-426 mV	
-	Pipeline	-333 mV	
-	<u>2525 Opa Locka</u>	<u>12/07/2011</u>	
-	Tank	-488 mV	
-	Pipeline	-488 mV	
-	<u>Boulevard Heights</u>	<u>12/08/2011</u>	<u>02/22-23/2011</u>
-	Tank 8	-651 mV	-762 mV
-	Tank 13	-505 mV	-383 mV
-	Pipeline downstream Tank 5	-359 mV	-394 mV
-	Pipeline downstream Tank 8	-348 mV	-429 mV
-	Pipeline downstream Tank 10	-510 mV	-507 mV
-	<u>Fairway Heights #2</u>	<u>12/07/2011</u>	
-	Tank 3	-416 mV	
-	Pipeline	-294 mV	
-	<u>Fairway Heights #4</u>	<u>12/07/2011</u>	
-	15720 SW 104 th Avenue	-416 mV	
-	<u>Oakland Acres</u>	<u>12/07/2011</u>	
-	Tank 25	-185 mV	
-	Tank 26	-320 mV	

¹ The criteria for cathodic protection are contained in 49 CFR Part 192, Appendix D. The criteria being referenced in this letter is negative (cathodic) voltage of at least 850mV with reference to a saturated copper-copper sulfate half-cell. Accordingly, a “low” pipe-to-soil (p/s) reading is a reading less negative than -850mV.

- Stardust	<u>12/07/2011</u>	
- Tank 1	-327 mV	
- Tank 2	-612 mV	
- Tank 4	-430 mV	
- Tank 7	-480 mV	
- Tank 11	-730 mV	
- University Lakes	<u>12/07/2011</u>	<u>01/25-26/2011</u>
- 12920 SW 14 th Street	-828 mV	-531 mV
- 1447 SW 131 st Avenue	-299 mV	-264 mV
- Pool Meter	-552 mV	-656 mV

6. §192.465 External corrosion control: Monitoring.

(a) Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of §192.463. However, if tests at those intervals are impractical for separately protected short sections of mains or transmission line, not in excess of 100 feet (30 meters), or separately protected service line, these pipelines may be surveyed on a sampling basis. At least 10 percent of these protected structures, distributed over the entire system must be surveyed each calendar year, with a different 10 percent checked each subsequent year, so that the entire system is tested in each 10-year period.

Suburban did not test each pipeline that is under cathodic protection, at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of §192.463.

Suburban provided records for the annual cathodic protection monitoring that it had performed. However, Suburban was unable to provide records demonstrating that it performed external corrosion control monitoring on the following systems for the years indicated:

- 2523 Opa Locka	2009 - 2011
- 2525 Opa Locka	2009 - 2011
- Boulevard Heights	2010
- Estates of Ft. Lauderdale	2010
- Fairway Heights #2:	2009 - 2011
- Fairway Heights #4:	2009 - 2011
- Oakland Acres:	2009 - 2011
- Randall Square:	2009 - 2011
- Seminole Estates:	2010
- Stardust:	2009 - 2011
- Sunshine City:	2009 - 2011
- Sunshine Village:	2009 - 2011
- University Lakes:	2009

7. §192.465 External corrosion control: Monitoring.

... (d) Each operator shall take prompt remedial action to correct any deficiencies indicated by the monitoring.

Suburban did not take prompt remedial action to correct deficiencies indicated by its external corrosion control monitoring.

Suburban provided documentation showing that it had low cathodic protection potentials in its 2009 monitoring at several locations in Boulevard Heights. Documentation of its 2011 monitoring continued to show low cathodic protection potentials. Suburban was unable to produce documentation that it had corrected the deficiencies. The locations identified were:

<u>Boulevard Heights</u>	<u>June 2009</u>	<u>February 2011</u>
- Tank 1	-401 mV	-524 mV
- Tank 2	-394 mV	-254 mV
- Tank 4	-846 mV	-747 mV
- Tank 13	-714 mV	-383 mV

Additionally, Suburban documentation showed the Sunshine Village Test Station 61 test lead produced no readings during its external corrosion control monitoring on June 30, 2009. When checked in the field on December 8, 2011, the test lead still produced no reading. Suburban was unable to produce documentation that it had corrected the deficiency.

8. §192.481 Atmospheric corrosion control: Monitoring.

(a) Each operator must inspect each pipeline or portion of pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion, as follows:

If the pipeline is located:	Then the frequency of inspection is:
Onshore	At least once every 3 calendar years, but with intervals not exceeding 39 months
Offshore	At least once each calendar year, but with intervals not exceeding 15 months

(b) During inspections the operator must give particular attention to pipe at soil-to-air interfaces, under thermal insulation, under disbanded coatings, at pipe supports, in splash zones, at deck penetrations, and in spans over water.

(c) If atmospheric corrosion is found during an inspection, the operator must provide protection against the corrosion as required by §192.479.

Suburban did not inspect each onshore pipeline or portion of pipeline exposed to the atmosphere for evidence of atmospheric corrosion at least once every 3 calendar years, but with intervals not exceeding 39 months. Suburban has onshore pipelines exposed to the atmosphere for which it provided no records demonstrating that it performed atmospheric corrosion control monitoring for 2523 Opa Locka, 2525 Opa Locka, Fairway Heights #2, Fairway Heights #4, Oakland Acres, Randall Square, Stardust, Sunshine City, and Sunshine Village in calendar years 2009, 2010, or 2011.

9. §192.491 Corrosion control records.

(a) Each operator shall maintain records or maps to show the location of cathodically protected piping, cathodic protection facilities, galvanic anodes, and neighboring structures bonded to the cathodic protection system. Records or maps showing a stated number of anodes, installed in a stated manner or spacing, need not show specific distances to each buried anode.

Suburban did not maintain records and maps showing the location of cathodically protected piping, cathodic protection facilities, galvanic anodes, and neighboring structures bonded to the cathodic protection system for its pipeline facilities. Suburban's pipeline system maps did not identify the location of all cathodically protected piping and galvanic anodes.

10. §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. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

The Suburban written procedural manual for operations, maintenance, and emergencies did not have procedures for the following:

- defining an incident in accordance with the definition found in §191.3
- requiring reports (except SRCR and offshore pipeline condition reports) be submitted in accordance with the requirements of §191.7
- reporting mechanical fitting failures on its distribution systems as required by §191.12
- notifying PHMSA electronically through the National Registry of Pipeline and LNG Operators at <http://opsweb.phmsa.dot.gov> of certain events, as required by §191.22
- filing written safety-related conditions reports in accordance with the requirements of §191.23
- notifying new customers, within 90 days, of their responsibility for service lines not maintained by the operator as required by §192.16
- joining plastic pipe in accordance with §192.281
- qualifying joining procedures for plastic pipe in accordance with §192.283
- qualifying persons to make plastic pipe joints in accordance with §192.285
- inspecting joints in plastic pipes in accordance with §192.287
- installing excess flow valves (EFV) which meet the performance requirements of §192.381 on new or replaced service lines on single-family residences as required by §192.383
- having design, installation, and maintenance of cathodic protection systems carried out by, or under the direction of, a person qualified in pipeline corrosion control methods as specified in §192.453
- examining buried pipe when exposed as required by §192.459

- applying a protective coating, for the purpose of external corrosion control in accordance with §192.461
- providing a level of cathodic protection that complies with one or more of the applicable criteria contained in appendix D of Part 192, as required by §192.463
- taking prompt remedial action to correct any deficiencies indicated by cathodic protection monitoring as required by §192.465(d)
- electrically isolating buried or submerged pipelines from other underground metallic structures and performing inspection and electrical tests to assure that electrical isolation is adequate as required by §192.467
- having sufficient test stations or other contact points for electrical measurements as required by §192.469
- installing and maintaining test leads in accordance with §192.471
- inspecting the internal surface for evidence of corrosion whenever any pipe is removed from a pipeline for any reason as required by §192.475(b)
- inspecting pipelines exposed to the atmosphere in accordance with §192.481
- maintaining corrosion control records and maps in accordance with §192.491
- making construction records, maps, and operating history available to appropriate operating personnel as required by §192.605(b)(3)
- periodically reviewing work done by operator personnel to determine the effectiveness of procedures used in normal operation as required by §192.605(b)(8)
- taking adequate precautions in excavated trenches as required by §192.605(b)(9)
- having a damage prevention program as required by §192.614
- responding to emergencies in accordance with §192.615(a)
- furnishing supervisors the latest edition of emergency procedures, training appropriate operating personnel, and reviewing employee activities to determine whether the procedures were effectively followed in each emergency as required by §192.615(b)
- establishing and maintaining liaison appropriate fire, police, and other public officials as required by §192.615(c)
- investigating failures in accordance with §192.617
- odorizing the gas so that at a concentration in air of one-fifth of the lower explosive limit, the gas is readily detectable by a person with a normal sense of smell, as required by §192.625(a); and conducting periodic sampling of combustible gases using an instrument capable of determining the percentage of gas in air at which the odor becomes readily detectable as required by §192.625(f).
- placing and maintaining line markers as required by §192.707
- inspecting and testing pressure limiting and regulating stations at intervals not exceeding 15 months, but at least once each calendar year as required by §192.739(a)
- taking prompt remedial action to correct any valve found inoperable as required by §192.747(b)
- a qualification program meeting the requirements of Subpart N (i.e. §192.801-809)

11. §192.615 Emergency plans.

... (b) Each operator shall:

(1) Furnish its supervisors who are responsible for emergency action a copy of that portion of the latest edition of the emergency procedures established under

paragraph (a) of this section as necessary for compliance with those procedures.

(2) Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

(3) Review employee activities to determine whether the procedures were effectively followed in each emergency.

Suburban did not train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training was effective. Suburban did not have documentation demonstrating that it had trained the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verified that the training was effective.

12. §192.615 Emergency plans.

... (c) Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to:

(1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;

(2) Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;

(3) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and

(4) Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

Suburban did not establish and maintain liaison with appropriate fire, police, and other public officials. When requested, Suburban was unable to provide documentation showing that it established and maintained liaison with fire, police, and other public officials.

13. §192.616 Public Awareness.

... (h) Operators in existence on June 20, 2005, must have completed their written programs no later than June 20, 2006. The operator of a master meter or petroleum gas system covered under paragraph (j) of this section must complete development of its written procedure by June 13, 2008. Upon request, operators must submit their completed programs to PHMSA or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

Suburban did not complete its public awareness program by the regulatory deadline. At the time of the inspection, Suburban did not have a written program or procedures in place that met the requirements of §192.616.

14. §192.616 Public Awareness.

... (i) The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.

Suburban did not document its public awareness program. When requested, Suburban provided no documentation of public awareness activities.

15. §192.625 Odorization of gas.

... (f) To assure the proper concentration of odorant in accordance with this section, each operator must conduct periodic sampling of combustible gases using an instrument capable of determining the percentage of gas in air at which the odor becomes readily detectable. Operators of master meter systems may comply with this requirement by-

- (1) Receiving written verification from their gas source that the gas has the proper concentration of odorant; and
- (2) Conducting periodic "sniff" tests at the extremities of the system to confirm that the gas contains odorant.

Suburban did not assure the proper concentration of odorant by conducting periodic sampling of combustible gases using an instrument capable of determining the percentage of gas in air at which the odor becomes readily detectable. Suburban provided documentation from its propane supplier showing the propane was odorized prior to delivery and records showing that the operator conducted periodic "sniff" tests to confirm the gas contained odorant. However, since Suburban was not operating master meter systems, it cannot solely rely on this method to comply with the regulation. The only acceptable method of complying was to use an instrument capable of determining the percentage of gas in air at which the odor becomes readily detectable.

16. §192.707 Line markers for mains and transmission lines.

(a) Buried pipelines. Except as provided in paragraph (b) of this section, a line marker must be placed and maintained as close as practical over each buried main and transmission line:

- (1) At each crossing of a public road and railroad; and
- (2) Wherever necessary to identify the location of the transmission line or main to reduce the possibility of damage or interference.

(b) Exceptions for buried pipelines. Line markers are not required for the following pipelines:

- (1) Mains and transmission lines located offshore, or at crossings of or under waterways and other bodies of water.
- (2) Mains in Class 3 or Class 4 locations where a damage prevention program is in effect under §192.614.
- (3) Transmission lines in Class 3 or 4 locations until March 20, 1996.
- (4) Transmission lines in Class 3 or 4 locations where placement of a line marker is impractical.

(c) Pipelines aboveground. Line markers must be placed and maintained along each section of a main and transmission line that is located aboveground in an area accessible to the public.

(d) *Marker warning.* The following must be written legibly on a background of sharply contrasting color on each line marker:

- (1) The word "Warning," "Caution," or "Danger" followed by the words "Gas (or name of gas transported) Pipeline" all of which, except for markers in heavily developed urban areas, must be in letters at least 1 inch (25 millimeters) high with 1/4 inch (6.4 millimeters) stroke.

(2) The name of the operator and the telephone number (including area code) where the operator can be reached at all times.

Suburban did not place pipeline markers as close as practical over each buried main at each crossing of a public road and along each section of mains that were located aboveground in an area accessible to the public. During the field inspection, the inspectors identified multiple locations where buried mains crossed public streets and where mains came aboveground that did not have pipeline markers.

17. §192.721 Distribution systems: Patrolling.

(a) The frequency of patrolling mains must be determined by the severity of the conditions which could cause failure or leakage, and the consequent hazards to public safety.

(b) Mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled—

(1) In business districts, at intervals not exceeding 4½ months, but at least four times each calendar year; and

(2) Outside business districts, at intervals not exceeding 7½ months, but at least twice each calendar year.

Suburban did not patrol its mains in business districts at intervals not exceeding 4½ months, but at least four times each calendar year and its mains outside business districts at intervals not exceeding 7½ months, but at least twice each calendar year. Suburban had no records documenting that it patrolled Randall Square (in a business district), 2523 Opa Locka, 2525 Opa Locka, Boulevard Heights, Estates of Ft. Lauderdale, Fairway Heights #2, Fairway Heights #4, Oakland Acres, Seminole Estates, Stardust, Sunshine City, Sunshine Village, and University Lakes for 2009-2011.

18. §192.723 Distribution systems: Leakage surveys.

(a) Each operator of a distribution system shall conduct periodic leakage surveys in accordance with this section.

(b) The type and scope of the leakage control program must be determined by the nature of the operations and the local conditions, but it must meet the following minimum requirements:

(1) A leakage survey with leak detector equipment must be conducted in business districts, including tests of the atmosphere in gas, electric, telephone, sewer, and water system manholes, at cracks in pavement and sidewalks, and at other locations providing an opportunity for finding gas leaks, at intervals not exceeding 15 months, but at least once each calendar year.

(2) A leakage survey with leak detector equipment must be conducted outside business districts as frequently as necessary, but at least once every 5 calendar years at intervals not exceeding 63 months. However, for cathodically unprotected distribution lines subject to §192.465(e) on which electrical surveys for corrosion are impractical, a leakage survey must be conducted at least once every 3 calendar years at intervals not exceeding 39 months.

Suburban did not conduct periodic leakage surveys in accordance with §192.723. Suburban had no records documenting that it conducted leak surveys at intervals not exceeding 15 months, but at least once each calendar year at Randall Square. Furthermore, Suburban had no records documenting that it conducted leak surveys at least once every 5 calendar years at intervals not exceeding 63 months at 2523 Opa Locka, 2525 Opa Locka, Fairway Heights #2, Fairway Heights #4, Oakland Acres, Seminole Estates, Stardust, Sunshine City, Sunshine Village, and University Lakes.

19. §192.739 Pressure limiting and regulating stations: Inspection and testing.

(a) Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected at intervals not exceeding 15 months, but at least once each calendar year, to inspections and tests to determine that it is—

(1) In good mechanical condition;

(2) Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

(3) Except as provided in paragraph (b) of this section, set to control or relieve at the correct pressure consistent with the pressure limits of §192.201(a); and

(4) Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

§ 192.743 Pressure limiting and regulating stations: Capacity of relief devices.

(a) Pressure relief devices at pressure limiting stations and pressure regulating stations must have sufficient capacity to protect the facilities to which they are connected. Except as provided in §192.739(b), the capacity must be consistent with the pressure limits of §192.201(a). This capacity must be determined at intervals not exceeding 15 months, but at least once each calendar year, by testing the devices in place or by review and calculations.

(b) If review and calculations are used to determine if a device has sufficient capacity, the calculated capacity must be compared with the rated or experimentally determined relieving capacity of the device for the conditions under which it operates. After the initial calculations, subsequent calculations need not be made if the annual review documents that parameters have not changed to cause the rated or experimentally determined relieving capacity to be insufficient.

(c) If a relief device is of insufficient capacity, a new or additional device must be installed to provide the capacity required by paragraph (a) of this section.

Suburban did not inspect and test its pressure limiting and regulating stations at intervals not exceeding 15 months, but at least once each calendar year. Moreover, Suburban did not determine the capacity at intervals not exceeding 15 months, but at least once each calendar year, by testing the devices in place or by review and calculations.

Suburban did not have records demonstrating that it inspected, tested, or determined the capacity of each pressure limiting and regulating station and its equipment at intervals not exceeding 15 months, but at least once each calendar year at the following locations:

- No records for calendar years 2009 – 2011 for 2523 Opa Locka, 2525 Opa Locka, Fairway Heights #2, Fairway Heights #4, Oakland Acres, Randall Square, Stardust, Sunshine City, and Sunshine Village.
- No records for calendar years 2009 – 2010 for Boulevard Heights, Estates of Ft. Lauderdale, and Seminole Estates.
- No records for calendar years 2009 and 2011 for University Lakes.

20. §192.741 Pressure limiting and regulating stations: Telemetering or recording gauges.

(a) Each distribution system supplied by more than one district pressure regulating station must be equipped with telemetering or recording pressure gauges to indicate the gas pressure in the district.

Suburban did not equip each distribution system supplied by more than one district regulating station with telemetering or recording pressure gauges to indicate the gas pressure in the district. Suburban had systems which were fed from more than one district regulating station (i.e. regulator at each tank) which did not have telemetering or recording pressure gauges. During the field inspection, the inspector identified this item at Boulevard Heights, Fairway Heights #2, Oakland Acres, Stardust, and University Lakes.

21. §192.747 Valve maintenance: Distribution systems.

(a) Each valve, the use of which may be necessary for the safe operation of a distribution system, must be checked and serviced at intervals not exceeding 15 months, but at least once each calendar year.

Suburban did not check and service each valve which may be necessary for the safe operation of its pipeline distribution system at intervals not exceeding 15 months, but at least once each calendar year. Records reviewed during the inspection identified the following:

- No records for calendar years 2009 – 2011: for 2523 Opa Locka, 2525 Opa Locka, Fairway Heights #2, Fairway Heights #4, Oakland Acres, Randall Square, Stardust, Sunshine City, and Sunshine Village.
- No records for 2010: Boulevard Heights, Estates of Ft. Lauderdale, and Seminole Estates.

22. §192.1005 What must a gas distribution operator (other than a master meter or small LPG operator) do to implement this subpart?

No later than August 2, 2011 a gas distribution operator must develop and implement an integrity management program that includes a written integrity management plan as specified in §192.1007.

Suburban did not develop and implement an integrity management program that includes a written integrity management plan as specified in §192.1007 by August 2, 2011. As of the dates of the inspection, the operator’s plan was still being developed and had not yet been implemented.

Under 49 United States Code, § 60122, Suburban is subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. We have reviewed the circumstances and

supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the items identified in this letter. Failure to do so will result in Suburban Propane being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 2-2012-0004W**. 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).

Sincerely,

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

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