



U.S. Department
Of Transportation
**Pipeline and
Hazardous Materials
Safety Administration**

820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628
609.989.2171

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED COMPLIANCE ORDER**

OVERNIGHT EXPRESS MAIL

December 3, 2012

David Chalson
Vice President, Operations
Sunoco Pipeline, L.P.
525 Fritztown Road
Sinking Spring, PA 19608

CPF 1-2012-5021

Dear Mr. Chalson:

From May 23 to 27, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Sunoco Pipeline, L.P.'s (Sunoco) Public Awareness Program in Sinking Spring, Pennsylvania.

As a result of the inspection, it appears that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The item inspected and the probable violation is:

1. **§195.440(c) Public awareness**
 - (a) . . .
 - (c) **The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.**

Sunoco failed to follow the general program recommendation, including the documentation requirements of American Petroleum Institute (API) Recommended Practice (RP) 1162 and, justify why compliance with certain provisions of the recommended practice was not practicable and not necessary for safety.

Under Section 8.4 Measuring Program Effectiveness of API RP 1162, an operator should complete an effectiveness evaluation to ascertain whether the information is reaching the intended stakeholder audiences. Sunoco conducted a four-year effectiveness evaluation on June 18, 2010. The report for Sunoco's effectiveness evaluation did not show that an analysis was performed on the results of the mailings sent to the stakeholder audiences. Also, the report did not provide an estimated percentage of the stakeholders actually reached within the target geographic region along the pipeline. As a result, Sunoco did not determine whether the information is reaching the intended stakeholder audiences, particularly the Affected Public in at least one of the counties in Kentucky.

In addition, an operator's written Public Awareness Program should include an effectiveness evaluation process, methodology used to perform the evaluation and analysis of the results as prescribed in Section

7.1(g) of API RP 1162. Sunoco's program failed to include a written process to assess whether its program is reaching the intended audience.

Following the inspection, a PHMSA representative received a letter, dated July 19, 2011, from a Sunoco representative. In that letter, Sunoco made an attempt to analyze its Affected Public (in Gallatin, Kentucky) mailing data; however, this was done after its scheduled June 18, 2010 effectiveness evaluation. In addition, Sunoco stated that it did not have a written process to validate its mailing data.

Proposed Compliance Order

With respect to item 1 pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Sunoco. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

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. 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). 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.

Please submit all correspondence in this matter to Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628. Please refer to **CPF1-2012-5021** on each document you submit, and please whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

Byron Coy
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

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

PROPOSED COMPLIANCE ORDER

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Sunoco Pipeline, L.P. (Sunoco) a Compliance Order incorporating the following remedial requirements to ensure the compliance of Sunoco with the pipeline safety regulations:

1. With regards to Item Number 1 of the Notice pertaining to §195.440(c), Sunoco must include a written process to assess the progress on Measure 1 – Outreach: Percentage of Each Intended Audience Reached with Desired Messages of American Petroleum Institute (API) Recommended Practice (RP) 1162 (incorporated by reference, *see* §195.3) in its Public Awareness Program.
 - a. Then, Sunoco must evaluate the effectiveness of the delivery method in the most recent mailing in accordance with API RP 1162 and its procedure.
 - b. Based on the results of the evaluation, Sunoco must make any necessary improvement(s) to its Public Awareness Program or justify why improvement(s) are not practicable and not necessary for safety, all of which should be implemented and/or documented.
2. Sunoco must provide documentation that demonstrates completion of Item 1 of the Compliance Order within one hundred and twenty (120) days of receipt of the Final Order.
3. It is requested (not mandated) that Sunoco maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Byron Coy, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.