

LOIS CAPPS
24TH DISTRICT, CALIFORNIA

2231 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0524
(202) 225-3601
www.capps.house.gov

COMMITTEE ON
ENERGY AND COMMERCE



Congress of the United States
House of Representatives

DISTRICT OFFICES:

- 1411 MARSH STREET, SUITE 205
SAN LUIS OBISPO, CA 93401
(805) 546-8348
- 301 EAST CARRILLO STREET, SUITE A
SANTA BARBARA, CA 93101
(805) 730-1710
- 1101 SOUTH BROADWAY, SUITE A
SANTA MARIA, CA 93454
(805) 349-3832

February 29, 2016

Ms. Marie Therese Dominguez
Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Administrator Dominguez:

I write to express my gratitude for your February 17, 2016 visit to the 24th Congressional district of California, which I represent, to view the site of and provide an update regarding the May 19, 2015, failure of Plains Pipeline, LP's (Plains) Line 901 pipeline (pipeline) and the subsequent crude oil spill along the Gaviota Coast. Your visit was not only informative, but it was important for the residents of my district to have the opportunity to interact with you directly.

However, several additional questions have arisen since your visit. I ask that you please provide my office with answers to the following questions about PHMSA policies and processes within two weeks of the receipt of this letter (March 14, 2016):

- 1) After the discovery of an incident (e.g., a spill, release, etc.), what requirements are in place for a company to report the problem to the National Response Center? Specifically, how quickly must a provider inform NRC of the incident and is the provider required to inform any other federal or state entity, such as PHMSA, directly?
- 2) Are In-Line Inspection (ILI) surveys required to be completed by multiple devices per inspection in order to verify results, or is a single inspection run considered sufficient per inspection? Is there any requirement for consistency of inspection contractors or devices between subsequent inspections in order to ensure consistency for comparison of inspections over time? Does PHMSA have the ability to mandate increased frequency of ILI surveys for a provider? If so, what triggers this requirement?
- 3) What methods does PHMSA have within its authority to ensure that anomaly detection during ILI accurately reflects the state of the pipeline (within tolerance)? What proof of quality is required to be submitted by either the inspection contractor or pipeline provider to certify or confirm that inspections are accurate?

- 4) What does PHMSA use to determine the best available technology for corrosion prevention standards? Does PHMSA have different corrosive prevention standards for different pipeline constructions? Does PHMSA inspect pipelines to ensure that corrosion prevention methods are working and appropriate for a pipeline?
- 5) Does a pipeline have to be classified as interstate in order for it to be under PHMSA jurisdiction? How is the interstate designation determined by PHMSA? How does PHMSA determine that a pipeline is under their jurisdiction? Is an interstate designation determined based on the physical structure of the pipeline or the final destination of the product being transported? Does PHMSA ever reevaluate the interstate designation of and their authority over regulating a pipeline? If so, what triggers this reevaluation? Can a pipeline be considered both inter- and intrastate for purposes of regulation, and if both designations are possible, what state and federal agencies are responsible for regulatory and integrity oversight for the pipeline?
- 6) Does PHMSA have the authority to communicate with other federal, state, or local regulatory agencies, such as the Federal Energy Regulatory Commission or a state's Fire Marshall? If so, what triggers these communications and how often do they occur?

I also wish to express my gratitude for the release of the preliminary factual findings regarding the Plains Spill during your visit. Release of the preliminary report has raised additional questions over the specifics of the Plains pipeline and spill. I ask that you please provide answers to the following questions specific to the May 19th Plains spill—either in your response to the above questions or in a separate response as soon as the information requested becomes available. As appropriate, please also address these concerns in the final investigation findings report to be released late Spring 2016:

- 1) The preliminary findings highlight an 89 minute delay between the discovery of the incident and the subsequent notification reaching NRC. Why was NRC not notified immediately upon discovery of the pipeline failure by Plains? What was the cause of this delay and what impact did this delay have on the promptness of the Coast Guard response?
- 2) The preliminary findings showed an increasing number of anomalies between 2007 and 2015 in ILI data. Can PHMSA comment on the equivalency between these inspections? Did PHMSA consult with Plains in the decision to increase inspections to every three years?
- 3) The preliminary findings indicated that ILI survey results for the Plains pipeline indicated that “less than 50% depth were generally measured in the field to not be within tolerance, or were ‘under-called’.” Would these discrepancies have been discovered in the absence of the follow-up inspection resulting from the pipeline rupture? How did previous ILI surveys compare with actual condition of the pipeline in question?
- 4) The preliminary findings suggest that the Cathodic Protection mechanism in place along the Plains Pipeline “reveal[ed] protection levels that typically are sufficient to protect non-insulated, coated steel pipe.” However, the pipeline of concern is insulated. Are there

different standards for corrosion prevention for insulated and non-insulated pipe? Did PHMSA inspectors ever document moisture under the insulation prior to the pipeline rupture? Why, if previous inspections documented an increasing number of anomalies during ILI, was there not a mandate to change or improve the corrosion prevention methods in place for this pipeline?

- 5) There have been questions as to why the Plains 901 pipeline was designated as interstate and under the jurisdiction of federal oversight. When did PHMSA first determine that the Plains pipeline was interstate and under their regulatory authority? Did PHMSA reevaluate this designation at any point in the past and, if so, why? If there is a change in designation for the Plains Pipeline in my district, will PHMSA maintain authority over the investigation and enforcement of any mandates within corrective action orders?

While I understand that PHMSA is in the process of finalizing the full investigation report, I ask that you do everything in your power to ensure that this is completed quickly, while at the same time ensuring that the findings are as thorough as possible. Again, thank you for taking the time to travel to my district and for your efforts to thoroughly investigate the causes and impacts of the Plains spill. I look forward to your prompt responses to these questions and to the final investigation findings report. Thank you for your continued attention to this issue.

Sincerely,



LOIS CAPPS
Member of Congress
California 24th District