

## **NOTICE OF AMENDMENT**

### **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

April 29, 2019

Jordan Burns  
Vice President - Legal  
Ferrellgas  
One Liberty Plaza  
Liberty, MO 64068

**CPF 3-2019-0002M**

Dear Mr. Burns:

On August 7-9, 2018, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Ferrellgas' procedures for Operations and Maintenance in Green Bay, Wisconsin.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Ferrellgas' plans or procedures, as described below:

- 1. §192.614 Damage prevention program.**  
**(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purposes of this section, the term "excavation activities" includes excavation, blasting, boring, tunneling, backfilling, the removal of aboveground structures by either explosive or mechanical means, and other earthmoving operations.**

Ferrellgas' procedures failed to state how locates performed by personnel were to be documented and maintained. PHMSA's inspection found no documentation of the locates performed by personnel was being kept. The technician was calling back to the office and just relating that the locates had been performed but no records were made. A review of Ferrellgas' procedure showed no documentation of locates was specified. Ferrellgas must amend its procedures to specify recording and maintenance of this action taken to locate its facilities for damage prevention.

**2. §192.805 Qualification program.**

**Each operator shall have and follow a written qualification program. The program shall include provisions to:**

**(a) . . . .**

**(b) Ensure through evaluation that individuals performing covered tasks are qualified;**

**§192.803 Definitions.**

***Qualified* means that an individual has been evaluated and can:**

**(a) . . . .**

**(b) Recognize and react to abnormal operating conditions.**

Ferrellgas' written qualification program fails to identify any reaction to abnormal operating conditions. Their program identifies abnormal operating conditions but does not state an appropriate reaction. Ferrellgas must amend its written qualification program to include reaction to the identified abnormal operating conditions for all its covered tasks.

**Response to this Notice**

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under §190.211. 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 an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within [number of days] days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that Ferrellgas maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Allan Beshore, Director, Central Region, OPS, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 3-2019-0002M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Allan C. Beshore  
Director, Central Region, OPS  
Pipeline and Hazardous Materials Safety Administration

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