



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

**SEP 03 2014**

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

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, California 90712

**PHMSA-2014-0115**

Dear Mr. Gorham:

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has reviewed your letter of July 31, 2014, 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 the State of California pursuant to Section 51014 (a) of the California Code, and allow NuStar to test its P-1, P-2, P-4 and P-5 refined product lines using high flash jet fuel and high flash diesel fuel as the test medium.

PHMSA finds the waiver of § 195.306(b)(1) for pressure testing medium is not inconsistent with pipeline safety for NuStar's 1.1 miles each of 12¾-inch diameter P-1, P-2, P-4, and P-5 pipelines (wharf lines) located in Selby Terminal area, Crockett, CA.

PHMSA does not object to the proposed waiver by CSFM to NuStar provided that items 1 through 9 are included in the CSFM's response to NuStar.

1. A testing procedure must be developed and available for CSFM to review three days in advance of the test.
2. The test medium shall be high flash jet fuel (flashpoint >140 degrees Fahrenheit).
3. The pipelines must be assessed and remediated in accordance with §195.588 prior to using a pressure test medium other than water and the findings reported to the CSFM prior to the pressure test.
4. The Fire Department that has jurisdiction over the test pipelines must be notified at least three days in advance of the test.

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5. During the pressure test, on-going communications must be maintained along the entire pipeline route by mobile telephone or radio.
6. Sufficient equipment (e.g. vacuum trucks, etc.) must be on standby in the event that they are needed should a rupture occur.
7. Pressure tests and right-of-way monitoring during the test must be conducted during daylight hours to minimize impact.
8. The test pressure must be at approximately 23% SMYS and not over 26% SMYS of the 12¾-inch diameter pipeline or below the pressure test rating of any flanges in the test.
9. At least three (3) days prior to the pressure test, NuStar must send notification letters with its 24-hour contact phone number, planned dates of pressure test, and what to expect during pressure test (example patrols, and what to do if there is a leak or rupture), to all local workers and residents of nearby Selby Terminal and properties, on or in contact with the pipeline right of way. The notification letter must inform the local workers and residents of the pending pressure test.

My staff would be pleased to discuss this decision or any other pipeline safety matter with you. Mr. John Gale, Director, Standards and Rulemaking Division, may be contacted at 202-366-4959, on regulatory matters and Mr. Kenneth Lee, Director, Engineering and Research Division, 202-366-2694, may be contacted on technical matters specific to this decision.

Sincerely,



Jeffrey D. Wiese  
Associate Administrator for Pipeline Safety