



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

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2022

The Honorable Ro Khanna
Chairman, Subcommittee on Environment
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Khanna:

Thank you for your October 6, 2021, letter regarding the October 2, 2021, San Pedro Bay Pipeline failure off the coast of Southern California and for the Committee's commitment to pipeline safety. This incident is a tragic reminder of the paramount importance of maintaining the highest levels of pipeline safety across our Nation's pipeline system. To that end, the Pipeline and Hazardous Materials Safety Administration (PHMSA) remains committed to working with our Federal, State, and local partners—including you and other members of Congress—to investigate the cause of this incident and ensure we do all we can to prevent a similar incident in the future. In response to your request, I have outlined background information on the San Pedro Bay Pipeline, PHMSA's inspection program, and our related regulatory efforts regarding this pipeline.

PHMSA's mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials. As part of this mission, PHMSA administers a national regulatory safety program for approximately 2.8 million miles of interstate and intrastate pipelines in the United States. This program requires that pipeline operators design, construct, operate, and maintain their pipeline facilities in compliance with the Federal pipeline safety regulations (PSR) found in Title 49 of the Code of Federal Regulations (C.F.R.), Parts 190-199. PHMSA and its State partners conduct inspections of pipeline operators to ensure compliance with the Federal PSR.

PHMSA has jurisdiction and safety oversight over Beta Offshore's 17.3-mile San Pedro Bay Pipeline, which consists of 15 miles offshore and two miles onshore. It is a transmission pipeline that transports crude oil from Platform Elly, located off the coast of California in Federal waters, to the Beta Pump Station located onshore in the City of Long Beach, California. *See* 49 C.F.R. Part 195 (prescribing safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide). PHMSA also has jurisdiction and safety oversight over the Beta Pump Station and associated breakout tank. *Id.* Beta Offshore also must submit its Facility Response Plan to PHMSA for review. *See* 49 C.F.R. Part 194

(prescribing requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines).

Offshore platforms and production pipelines located between platforms are subject to the jurisdiction and safety oversight of the Bureau of Safety and Environmental Enforcement (BSEE), which also received your October 6 letter. PHMSA and BSEE collaborate on safety concerns and regulatory oversight matters and that engagement is memorialized in a 2020 Memorandum of Understanding (MOU). I enclose a copy of that MOU with this letter.

Pursuant to the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 *et seq.*, on June 24, 1998, Beta Offshore received a Pipeline Right of Way Permit (Permit) for its San Pedro Bay Pipeline from the Minerals Management Service (MMS), BSEE's predecessor agency. The Permit authorizes Beta Offshore to operate a 6.4-mile pipeline traveling from the Outer Continental Shelf (OCS) to State waters. The Permit requires Beta Offshore to "maintain the pipeline in a good and safe operating condition at all times," conduct weekly leak surveys by boat or aircraft, and inspect the pipeline once a year, alternating between external and internal inspections. The Permit is included with the enclosed documents.

Your letter requests the following two categories of documents and information from January 1, 2011 to the present:

- (1) Documents sufficient to show all inspections conducted by BSEE or PHMSA, or any entity contracted by BSEE or PHMSA, of the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the inspections' dates, findings, and outcomes, and copies of each inspection report.*
- (2) Documents sufficient to show all enforcement actions for no-compliance by Amplify Energy or Beta relating to the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the date, nature of the non-compliance, type of enforcement action taken by BSEE or PHMSA (such as warnings, notices of violations, or corrective action orders), fine or penalty imposed, and response or remedial action by Amplify Energy or Beta.*

We provide the following information and documents related to PHMSA inspections and enforcement actions. From January 1, 2011 to the present, PHMSA conducted several inspections of Beta Offshore. In 2016, PHMSA completed an integrated inspection of Beta Offshore's Beta Pump Station located in the City of Long Beach, California. As a result of that inspection, on December 22, 2016, PHMSA issued a Letter of Concern to Beta Offshore identifying two potential safety concerns regarding construction activities and the security of the pump station. During the next inspection, PHMSA confirmed with Beta Offshore that it addressed these safety concerns. The Letter of Concern and inspection report are enclosed.

From December 2018 to January 2019, PHMSA conducted an inspection of Beta Offshore's Drug and Alcohol Program. Operators of pipeline facilities subject to 49 C.F.R. Part 195 must

test covered employees for the presence of prohibited drugs and alcohol. *See* 49 C.F.R. Part 199. There were no enforcement actions necessary as a result of this inspection. The inspection report is included with the enclosed documents. From January-September 2021, PHMSA conducted an integrated inspection of Beta Offshore's pipeline facilities in California. Integrated inspections are conducted in phases, typically over several months, to allow for back and forth interactions with an operator regarding technical procedures, integrity management plans and documentation. PHMSA conducted the on-site portion of the integrated inspection from August 31-September 3, 2021. In light of the October 2, 2021 incident and the Corrective Action Order PHMSA issued on October 4, 2021 and associated requirements, PHMSA is considering the findings of the integrated inspection while the ongoing larger investigation of the October 2 incident continues. We will keep the Committee informed of any prospective PHMSA determination with respect to this matter.

In April 2021, PHMSA initiated an inspection of Beta Offshore's control room facility located in Long Beach, California. A control room is an operations center staffed by personnel charged with the responsibility of remotely monitoring and controlling a pipeline facility. This inspection consists of a multi-step process that includes an initial inspection, an exchange of relevant documentation, a virtual inspection, and then a follow-up physical inspection. The inspection process remains ongoing, but it has been postponed due to the recent pipeline failure.

On October 4, 2021, PHMSA issued a Corrective Action Order (CAO) to Beta Offshore following the rupture of its San Pedro Bay Pipeline. The CAO requires that the San Pedro Bay Pipeline remain shut down until a number of corrective measures are undertaken. The CAO requires a comprehensive review of in-line inspection results and pipeline records that may inform investigators about the circumstances leading to the failure and show whether those conditions exist elsewhere on the pipeline. The CAO also requires mechanical and metallurgical testing of the failed section of pipe, as well as a Root Cause Failure Analysis facilitated by an independent third party. Further, pursuant to the CAO, PHMSA retains authority to review and approve of any pipeline repair plan.

PHMSA is working with several other Federal and State agencies, including the National Transportation Safety Board-Marine Division and the U.S. Coast Guard, to identify the circumstances that led to the failure. As more is learned about this event, PHMSA may require additional actions or amendments to the CAO. The CAO and Safety Data Report are included with the enclosed documents. Additionally, on December 15, 2021, a Grand Jury for the U.S. District Court for the Central District of California handed down an indictment related to this incident, charging Amplify Energy Corp., Beta Operating Company, LLC d/b/a Beta Offshore, and San Pedro Bay Pipeline Company with the negligent discharge of oil under the Clean Water Act.

In parallel to the multi-agency investigation into the failure, PHMSA also is investigating Beta Offshore's compliance with the PSR. That separate investigation focuses on actions Beta Offshore took before, during, and after the accident. The results of that investigation could lead to further administrative or judicial enforcement action. In order to maintain the integrity of any

ongoing investigation or inspection, PHMSA cannot provide documents related to these pending matters at this time. However, please let us know if you have any questions regarding the records and information provided in this letter.

We defer to our colleagues at BSEE to provide its information separately. Again, thank you for your focused attention to this incident and for the Committee's work to improve pipeline safety. If I can provide further information or assistance, please feel free to contact me or your staff may contact Patricia Klinger, Deputy Director of Governmental, International and Public Affairs, by phone at 202-366-4831 or by email at Patricia.Klinger@dot.gov. A similar response has been sent to each cosigner of your letter.

Sincerely,

A handwritten signature in black ink, reading "Tristan H. Brown". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Tristan H. Brown
Deputy Administrator

Enclosures



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

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2022

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Maloney:

Thank you for your October 6, 2021, letter regarding the October 2, 2021, San Pedro Bay Pipeline failure off the coast of Southern California and for the Committee's commitment to pipeline safety. This incident is a tragic reminder of the paramount importance of maintaining the highest levels of pipeline safety across our Nation's pipeline system. To that end, the Pipeline and Hazardous Materials Safety Administration (PHMSA) remains committed to working with our Federal, State, and local partners—including you and other members of Congress—to investigate the cause of this incident and ensure we do all we can to prevent a similar incident in the future. In response to your request, I have outlined background information on the San Pedro Bay Pipeline, PHMSA's inspection program, and our related regulatory efforts regarding this pipeline.

PHMSA's mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials. As part of this mission, PHMSA administers a national regulatory safety program for approximately 2.8 million miles of interstate and intrastate pipelines in the United States. This program requires that pipeline operators design, construct, operate, and maintain their pipeline facilities in compliance with the Federal pipeline safety regulations (PSR) found in Title 49 of the Code of Federal Regulations (C.F.R.), Parts 190-199. PHMSA and its State partners conduct inspections of pipeline operators to ensure compliance with the Federal PSR.

PHMSA has jurisdiction and safety oversight over Beta Offshore's 17.3-mile San Pedro Bay Pipeline, which consists of 15 miles offshore and two miles onshore. It is a transmission pipeline that transports crude oil from Platform Elly, located off the coast of California in Federal waters, to the Beta Pump Station located onshore in the City of Long Beach, California. *See* 49 C.F.R. Part 195 (prescribing safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide). PHMSA also has jurisdiction and safety oversight over the Beta Pump Station and associated breakout tank. *Id.* Beta Offshore also must submit its Facility Response Plan to PHMSA for review. *See* 49 C.F.R. Part 194

(prescribing requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines).

Offshore platforms and production pipelines located between platforms are subject to the jurisdiction and safety oversight of the Bureau of Safety and Environmental Enforcement (BSEE), which also received your October 6 letter. PHMSA and BSEE collaborate on safety concerns and regulatory oversight matters and that engagement is memorialized in a 2020 Memorandum of Understanding (MOU). I enclose a copy of that MOU with this letter.

Pursuant to the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 *et seq.*, on June 24, 1998, Beta Offshore received a Pipeline Right of Way Permit (Permit) for its San Pedro Bay Pipeline from the Minerals Management Service (MMS), BSEE's predecessor agency. The Permit authorizes Beta Offshore to operate a 6.4-mile pipeline traveling from the Outer Continental Shelf (OCS) to State waters. The Permit requires Beta Offshore to "maintain the pipeline in a good and safe operating condition at all times," conduct weekly leak surveys by boat or aircraft, and inspect the pipeline once a year, alternating between external and internal inspections. The Permit is included with the enclosed documents.

Your letter requests the following two categories of documents and information from January 1, 2011 to the present:

- (1) Documents sufficient to show all inspections conducted by BSEE or PHMSA, or any entity contracted by BSEE or PHMSA, of the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the inspections' dates, findings, and outcomes, and copies of each inspection report.*
- (2) Documents sufficient to show all enforcement actions for no-compliance by Amplify Energy or Beta relating to the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the date, nature of the non-compliance, type of enforcement action taken by BSEE or PHMSA (such as warnings, notices of violations, or corrective action orders), fine or penalty imposed, and response or remedial action by Amplify Energy or Beta.*

We provide the following information and documents related to PHMSA inspections and enforcement actions. From January 1, 2011 to the present, PHMSA conducted several inspections of Beta Offshore. In 2016, PHMSA completed an integrated inspection of Beta Offshore's Beta Pump Station located in the City of Long Beach, California. As a result of that inspection, on December 22, 2016, PHMSA issued a Letter of Concern to Beta Offshore identifying two potential safety concerns regarding construction activities and the security of the pump station. During the next inspection, PHMSA confirmed with Beta Offshore that it addressed these safety concerns. The Letter of Concern and inspection report are enclosed.

From December 2018 to January 2019, PHMSA conducted an inspection of Beta Offshore's Drug and Alcohol Program. Operators of pipeline facilities subject to 49 C.F.R. Part 195 must

test covered employees for the presence of prohibited drugs and alcohol. *See* 49 C.F.R. Part 199. There were no enforcement actions necessary as a result of this inspection. The inspection report is included with the enclosed documents. From January-September 2021, PHMSA conducted an integrated inspection of Beta Offshore's pipeline facilities in California. Integrated inspections are conducted in phases, typically over several months, to allow for back and forth interactions with an operator regarding technical procedures, integrity management plans and documentation. PHMSA conducted the on-site portion of the integrated inspection from August 31-September 3, 2021. In light of the October 2, 2021 incident and the Corrective Action Order PHMSA issued on October 4, 2021 and associated requirements, PHMSA is considering the findings of the integrated inspection while the ongoing larger investigation of the October 2 incident continues. We will keep the Committee informed of any prospective PHMSA determination with respect to this matter.

In April 2021, PHMSA initiated an inspection of Beta Offshore's control room facility located in Long Beach, California. A control room is an operations center staffed by personnel charged with the responsibility of remotely monitoring and controlling a pipeline facility. This inspection consists of a multi-step process that includes an initial inspection, an exchange of relevant documentation, a virtual inspection, and then a follow-up physical inspection. The inspection process remains ongoing, but it has been postponed due to the recent pipeline failure.

On October 4, 2021, PHMSA issued a Corrective Action Order (CAO) to Beta Offshore following the rupture of its San Pedro Bay Pipeline. The CAO requires that the San Pedro Bay Pipeline remain shut down until a number of corrective measures are undertaken. The CAO requires a comprehensive review of in-line inspection results and pipeline records that may inform investigators about the circumstances leading to the failure and show whether those conditions exist elsewhere on the pipeline. The CAO also requires mechanical and metallurgical testing of the failed section of pipe, as well as a Root Cause Failure Analysis facilitated by an independent third party. Further, pursuant to the CAO, PHMSA retains authority to review and approve of any pipeline repair plan.

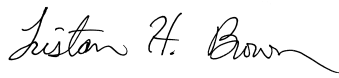
PHMSA is working with several other Federal and State agencies, including the National Transportation Safety Board-Marine Division and the U.S. Coast Guard, to identify the circumstances that led to the failure. As more is learned about this event, PHMSA may require additional actions or amendments to the CAO. The CAO and Safety Data Report are included with the enclosed documents. Additionally, on December 15, 2021, a Grand Jury for the U.S. District Court for the Central District of California handed down an indictment related to this incident, charging Amplify Energy Corp., Beta Operating Company, LLC d/b/a Beta Offshore, and San Pedro Bay Pipeline Company with the negligent discharge of oil under the Clean Water Act.

In parallel to the multi-agency investigation into the failure, PHMSA also is investigating Beta Offshore's compliance with the PSR. That separate investigation focuses on actions Beta Offshore took before, during, and after the accident. The results of that investigation could lead to further administrative or judicial enforcement action. In order to maintain the integrity of any

ongoing investigation or inspection, PHMSA cannot provide documents related to these pending matters at this time. However, please let us know if you have any questions regarding the records and information provided in this letter.

We defer to our colleagues at BSEE to provide its information separately. Again, thank you for your focused attention to this incident and for the Committee's work to improve pipeline safety. If I can provide further information or assistance, please feel free to contact me or your staff may contact Patricia Klinger, Deputy Director of Governmental, International and Public Affairs, by phone at 202-366-4831 or by email at Patricia.Klinger@dot.gov. A similar response has been sent to each cosigner of your letter.

Sincerely,

A handwritten signature in cursive script that reads "Tristan H. Brown".

Tristan H. Brown
Deputy Administrator

Enclosures



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

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2022

The Honorable Alan Lowenthal
Chair, Subcommittee on Energy
And Mineral Resources
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chair Lowenthal:

Thank you for your October 6, 2021, letter regarding the October 2, 2021, San Pedro Bay Pipeline failure off the coast of Southern California and for the Committee's commitment to pipeline safety. This incident is a tragic reminder of the paramount importance of maintaining the highest levels of pipeline safety across our Nation's pipeline system. To that end, the Pipeline and Hazardous Materials Safety Administration (PHMSA) remains committed to working with our Federal, State, and local partners—including you and other members of Congress—to investigate the cause of this incident and ensure we do all we can to prevent a similar incident in the future. In response to your request, I have outlined background information on the San Pedro Bay Pipeline, PHMSA's inspection program, and our related regulatory efforts regarding this pipeline.

PHMSA's mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials. As part of this mission, PHMSA administers a national regulatory safety program for approximately 2.8 million miles of interstate and intrastate pipelines in the United States. This program requires that pipeline operators design, construct, operate, and maintain their pipeline facilities in compliance with the Federal pipeline safety regulations (PSR) found in Title 49 of the Code of Federal Regulations (C.F.R.), Parts 190-199. PHMSA and its State partners conduct inspections of pipeline operators to ensure compliance with the Federal PSR.

PHMSA has jurisdiction and safety oversight over Beta Offshore's 17.3-mile San Pedro Bay Pipeline, which consists of 15 miles offshore and two miles onshore. It is a transmission pipeline that transports crude oil from Platform Elly, located off the coast of California in Federal waters, to the Beta Pump Station located onshore in the City of Long Beach, California. *See* 49 C.F.R. Part 195 (prescribing safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide). PHMSA also has jurisdiction and safety oversight over the Beta Pump Station and associated breakout tank. *Id.* Beta Offshore also

must submit its Facility Response Plan to PHMSA for review. *See* 49 C.F.R. Part 194 (prescribing requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines).

Offshore platforms and production pipelines located between platforms are subject to the jurisdiction and safety oversight of the Bureau of Safety and Environmental Enforcement (BSEE), which also received your October 6 letter. PHMSA and BSEE collaborate on safety concerns and regulatory oversight matters and that engagement is memorialized in a 2020 Memorandum of Understanding (MOU). I enclose a copy of that MOU with this letter.

Pursuant to the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 *et seq.*, on June 24, 1998, Beta Offshore received a Pipeline Right of Way Permit (Permit) for its San Pedro Bay Pipeline from the Minerals Management Service (MMS), BSEE's predecessor agency. The Permit authorizes Beta Offshore to operate a 6.4-mile pipeline traveling from the Outer Continental Shelf (OCS) to State waters. The Permit requires Beta Offshore to "maintain the pipeline in a good and safe operating condition at all times," conduct weekly leak surveys by boat or aircraft, and inspect the pipeline once a year, alternating between external and internal inspections. The Permit is included with the enclosed documents.

Your letter requests the following two categories of documents and information from January 1, 2011 to the present:

- (1) Documents sufficient to show all inspections conducted by BSEE or PHMSA, or any entity contracted by BSEE or PHMSA, of the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the inspections' dates, findings, and outcomes, and copies of each inspection report.*
- (2) Documents sufficient to show all enforcement actions for non-compliance by Amplify Energy or Beta relating to the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the date, nature of the non-compliance, type of enforcement action taken by BSEE or PHMSA (such as warnings, notices of violations, or corrective action orders), fine or penalty imposed, and response or remedial action by Amplify Energy or Beta.*

We provide the following information and documents related to PHMSA inspections and enforcement actions. From January 1, 2011 to the present, PHMSA conducted several inspections of Beta Offshore. In 2016, PHMSA completed an integrated inspection of Beta Offshore's Beta Pump Station located in the City of Long Beach, California. As a result of that inspection, on December 22, 2016, PHMSA issued a Letter of Concern to Beta Offshore identifying two potential safety concerns regarding construction activities and the security of the pump station. During the next inspection, PHMSA confirmed with Beta Offshore that it addressed these safety concerns. The Letter of Concern and inspection report are enclosed.

From December 2018 to January 2019, PHMSA conducted an inspection of Beta Offshore's Drug and Alcohol Program. Operators of pipeline facilities subject to 49 C.F.R. Part 195 must test covered employees for the presence of prohibited drugs and alcohol. *See* 49 C.F.R. Part 199. There were no enforcement actions necessary as a result of this inspection. The inspection report is included with the enclosed documents. From January-September 2021, PHMSA conducted an integrated inspection of Beta Offshore's pipeline facilities in California. Integrated inspections are conducted in phases, typically over several months, to allow for back and forth interactions with an operator regarding technical procedures, integrity management plans and documentation. PHMSA conducted the on-site portion of the integrated inspection from August 31-September 3, 2021. In light of the October 2, 2021 incident and the Corrective Action Order PHMSA issued on October 4, 2021 and associated requirements, PHMSA is considering the findings of the integrated inspection while the ongoing larger investigation of the October 2 incident continues. We will keep the Committee informed of any prospective PHMSA determination with respect to this matter.

In April 2021, PHMSA initiated an inspection of Beta Offshore's control room facility located in Long Beach, California. A control room is an operations center staffed by personnel charged with the responsibility of remotely monitoring and controlling a pipeline facility. This inspection consists of a multi-step process that includes an initial inspection, an exchange of relevant documentation, a virtual inspection, and then a follow-up physical inspection. The inspection process remains ongoing, but it has been postponed due to the recent pipeline failure.

On October 4, 2021, PHMSA issued a Corrective Action Order (CAO) to Beta Offshore following the rupture of its San Pedro Bay Pipeline. The CAO requires that the San Pedro Bay Pipeline remain shut down until a number of corrective measures are undertaken. The CAO requires a comprehensive review of in-line inspection results and pipeline records that may inform investigators about the circumstances leading to the failure and show whether those conditions exist elsewhere on the pipeline. The CAO also requires mechanical and metallurgical testing of the failed section of pipe, as well as a Root Cause Failure Analysis facilitated by an independent third party. Further, pursuant to the CAO, PHMSA retains authority to review and approve of any pipeline repair plan.

PHMSA is working with several other Federal and State agencies, including the National Transportation Safety Board-Marine Division and the U.S. Coast Guard, to identify the circumstances that led to the failure. As more is learned about this event, PHMSA may require additional actions or amendments to the CAO. The CAO and Safety Data Report are included with the enclosed documents. Additionally, on December 15, 2021, a Grand Jury for the U.S. District Court for the Central District of California handed down an indictment related to this incident, charging Amplify Energy Corp., Beta Operating Company, LLC d/b/a Beta Offshore, and San Pedro Bay Pipeline Company with the negligent discharge of oil under the Clean Water Act.

In parallel to the multi-agency investigation into the failure, PHMSA also is investigating Beta Offshore's compliance with the PSR. That separate investigation focuses on actions Beta

Offshore took before, during, and after the accident. The results of that investigation could lead to further administrative or judicial enforcement action. In order to maintain the integrity of any ongoing investigation or inspection, PHMSA cannot provide documents related to these pending matters at this time. However, please let us know if you have any questions regarding the records and information provided in this letter.

We defer to our colleagues at BSEE to provide its information separately. Again, thank you for your focused attention to this incident and for the Committee's work to improve pipeline safety. If I can provide further information or assistance, please feel free to contact me or your staff may contact Patricia Klinger, Deputy Director of Governmental, International and Public Affairs, by phone at 202-366-4831 or by email at Patricia.Klinger@dot.gov. A similar response has been sent to each cosigner of your letter.

Sincerely,

A handwritten signature in cursive script that reads "Tristan H. Brown". The signature is written in dark ink and has a fluid, connected style.

Tristan H. Brown
Deputy Administrator

Enclosure



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

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2022

The Honorable Katie Porter
Chair, Subcommittee on Oversight
And Investigations
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chair Porter:

Thank you for your October 6, 2021, letter regarding the October 2, 2021, San Pedro Bay Pipeline failure off the coast of Southern California and for the Committee's commitment to pipeline safety. This incident is a tragic reminder of the paramount importance of maintaining the highest levels of pipeline safety across our Nation's pipeline system. To that end, the Pipeline and Hazardous Materials Safety Administration (PHMSA) remains committed to working with our Federal, State, and local partners—including you and other members of Congress—to investigate the cause of this incident and ensure we do all we can to prevent a similar incident in the future. In response to your request, I have outlined background information on the San Pedro Bay Pipeline, PHMSA's inspection program, and our related regulatory efforts regarding this pipeline.

PHMSA's mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials. As part of this mission, PHMSA administers a national regulatory safety program for approximately 2.8 million miles of interstate and intrastate pipelines in the United States. This program requires that pipeline operators design, construct, operate, and maintain their pipeline facilities in compliance with the Federal pipeline safety regulations (PSR) found in Title 49 of the Code of Federal Regulations (C.F.R.), Parts 190-199. PHMSA and its State partners conduct inspections of pipeline operators to ensure compliance with the Federal PSR.

PHMSA has jurisdiction and safety oversight over Beta Offshore's 17.3-mile San Pedro Bay Pipeline, which consists of 15 miles offshore and two miles onshore. It is a transmission pipeline that transports crude oil from Platform Elly, located off the coast of California in Federal waters, to the Beta Pump Station located onshore in the City of Long Beach, California. *See* 49 C.F.R. Part 195 (prescribing safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide). PHMSA also has jurisdiction and

safety oversight over the Beta Pump Station and associated breakout tank. *Id.* Beta Offshore also must submit its Facility Response Plan to PHMSA for review. *See* 49 C.F.R. Part 194 (prescribing requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines).

Offshore platforms and production pipelines located between platforms are subject to the jurisdiction and safety oversight of the Bureau of Safety and Environmental Enforcement (BSEE), which also received your October 6 letter. PHMSA and BSEE collaborate on safety concerns and regulatory oversight matters and that engagement is memorialized in a 2020 Memorandum of Understanding (MOU). I enclose a copy of that MOU with this letter.

Pursuant to the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 *et seq.*, on June 24, 1998, Beta Offshore received a Pipeline Right of Way Permit (Permit) for its San Pedro Bay Pipeline from the Minerals Management Service (MMS), BSEE's predecessor agency. The Permit authorizes Beta Offshore to operate a 6.4-mile pipeline traveling from the Outer Continental Shelf (OCS) to State waters. The Permit requires Beta Offshore to "maintain the pipeline in a good and safe operating condition at all times," conduct weekly leak surveys by boat or aircraft, and inspect the pipeline once a year, alternating between external and internal inspections. The Permit is included with the enclosed documents.

Your letter requests the following two categories of documents and information from January 1, 2011 to the present:

- (1) Documents sufficient to show all inspections conducted by BSEE or PHMSA, or any entity contracted by BSEE or PHMSA, of the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the inspections' dates, findings, and outcomes, and copies of each inspection report.*
- (2) Documents sufficient to show all enforcement actions for non-compliance by Amplify Energy or Beta relating to the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the date, nature of the non-compliance, type of enforcement action taken by BSEE or PHMSA (such as warnings, notices of violations, or corrective action orders), fine or penalty imposed, and response or remedial action by Amplify Energy or Beta.*

We provide the following information and documents related to PHMSA inspections and enforcement actions. From January 1, 2011 to the present, PHMSA conducted several inspections of Beta Offshore. In 2016, PHMSA completed an integrated inspection of Beta Offshore's Beta Pump Station located in the City of Long Beach, California. As a result of that inspection, on December 22, 2016, PHMSA issued a Letter of Concern to Beta Offshore identifying two potential safety concerns regarding construction activities and the security of the pump station. During the next inspection, PHMSA confirmed with Beta Offshore that it addressed these safety concerns. The Letter of Concern and inspection report are enclosed.

From December 2018 to January 2019, PHMSA conducted an inspection of Beta Offshore's Drug and Alcohol Program. Operators of pipeline facilities subject to 49 C.F.R. Part 195 must test covered employees for the presence of prohibited drugs and alcohol. *See* 49 C.F.R. Part 199. There were no enforcement actions necessary as a result of this inspection. The inspection report is included with the enclosed documents. From January-September 2021, PHMSA conducted an integrated inspection of Beta Offshore's pipeline facilities in California. Integrated inspections are conducted in phases, typically over several months, to allow for back and forth interactions with an operator regarding technical procedures, integrity management plans and documentation. PHMSA conducted the on-site portion of the integrated inspection from August 31-September 3, 2021. In light of the October 2, 2021 incident and the Corrective Action Order PHMSA issued on October 4, 2021 and associated requirements, PHMSA is considering the findings of the integrated inspection while the ongoing larger investigation of the October 2 incident continues. We will keep the Committee informed of any prospective PHMSA determination with respect to this matter.

In April 2021, PHMSA initiated an inspection of Beta Offshore's control room facility located in Long Beach, California. A control room is an operations center staffed by personnel charged with the responsibility of remotely monitoring and controlling a pipeline facility. This inspection consists of a multi-step process that includes an initial inspection, an exchange of relevant documentation, a virtual inspection, and then a follow-up physical inspection. The inspection process remains ongoing, but it has been postponed due to the recent pipeline failure.

On October 4, 2021, PHMSA issued a Corrective Action Order (CAO) to Beta Offshore following the rupture of its San Pedro Bay Pipeline. The CAO requires that the San Pedro Bay Pipeline remain shut down until a number of corrective measures are undertaken. The CAO requires a comprehensive review of in-line inspection results and pipeline records that may inform investigators about the circumstances leading to the failure and show whether those conditions exist elsewhere on the pipeline. The CAO also requires mechanical and metallurgical testing of the failed section of pipe, as well as a Root Cause Failure Analysis facilitated by an independent third party. Further, pursuant to the CAO, PHMSA retains authority to review and approve of any pipeline repair plan.

PHMSA is working with several other Federal and State agencies, including the National Transportation Safety Board-Marine Division and the U.S. Coast Guard, to identify the circumstances that led to the failure. As more is learned about this event, PHMSA may require additional actions or amendments to the CAO. The CAO and Safety Data Report are included with the enclosed documents. Additionally, on December 15, 2021, a Grand Jury for the U.S. District Court for the Central District of California handed down an indictment related to this incident, charging Amplify Energy Corp., Beta Operating Company, LLC d/b/a Beta Offshore, and San Pedro Bay Pipeline Company with the negligent discharge of oil under the Clean Water Act.

In parallel to the multi-agency investigation into the failure, PHMSA also is investigating Beta Offshore's compliance with the PSR. That separate investigation focuses on actions Beta

Offshore took before, during, and after the accident. The results of that investigation could lead to further administrative or judicial enforcement action. In order to maintain the integrity of any ongoing investigation or inspection, PHMSA cannot provide documents related to these pending matters at this time. However, please let us know if you have any questions regarding the records and information provided in this letter.

We defer to our colleagues at BSEE to provide its information separately. Again, thank you for your focused attention to this incident and for the Committee's work to improve pipeline safety. If I can provide further information or assistance, please feel free to contact me or your staff may contact Patricia Klinger, Deputy Director of Governmental, International and Public Affairs, by phone at 202-366-4831 or by email at Patricia.Klinger@dot.gov. A similar response has been sent to each cosigner of your letter.

Sincerely,

A handwritten signature in cursive script that reads "Tristan H. Brown". The signature is written in dark ink and has a fluid, connected style.

Tristan H. Brown
Deputy Administrator

Enclosure



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

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2022

The Honorable Mike Levin
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Levin:

Thank you for your October 6, 2021, letter regarding the October 2, 2021, San Pedro Bay Pipeline failure off the coast of Southern California and for the Committee's commitment to pipeline safety. This incident is a tragic reminder of the paramount importance of maintaining the highest levels of pipeline safety across our Nation's pipeline system. To that end, the Pipeline and Hazardous Materials Safety Administration (PHMSA) remains committed to working with our Federal, State, and local partners—including you and other members of Congress—to investigate the cause of this incident and ensure we do all we can to prevent a similar incident in the future. In response to your request, I have outlined background information on the San Pedro Bay Pipeline, PHMSA's inspection program, and our related regulatory efforts regarding this pipeline.

PHMSA's mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials. As part of this mission, PHMSA administers a national regulatory safety program for approximately 2.8 million miles of interstate and intrastate pipelines in the United States. This program requires that pipeline operators design, construct, operate, and maintain their pipeline facilities in compliance with the Federal pipeline safety regulations (PSR) found in Title 49 of the Code of Federal Regulations (C.F.R.), Parts 190-199. PHMSA and its State partners conduct inspections of pipeline operators to ensure compliance with the Federal PSR.

PHMSA has jurisdiction and safety oversight over Beta Offshore's 17.3-mile San Pedro Bay Pipeline, which consists of 15 miles offshore and two miles onshore. It is a transmission pipeline that transports crude oil from Platform Elly, located off the coast of California in Federal waters, to the Beta Pump Station located onshore in the City of Long Beach, California. *See* 49 C.F.R. Part 195 (prescribing safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide). PHMSA also has jurisdiction and safety oversight over the Beta Pump Station and associated breakout tank. *Id.* Beta Offshore also must submit its Facility Response Plan to PHMSA for review. *See* 49 C.F.R. Part 194

(prescribing requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines).

Offshore platforms and production pipelines located between platforms are subject to the jurisdiction and safety oversight of the Bureau of Safety and Environmental Enforcement (BSEE), which also received your October 6 letter. PHMSA and BSEE collaborate on safety concerns and regulatory oversight matters and that engagement is memorialized in a 2020 Memorandum of Understanding (MOU). I enclose a copy of that MOU with this letter.

Pursuant to the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 *et seq.*, on June 24, 1998, Beta Offshore received a Pipeline Right of Way Permit (Permit) for its San Pedro Bay Pipeline from the Minerals Management Service (MMS), BSEE's predecessor agency. The Permit authorizes Beta Offshore to operate a 6.4-mile pipeline traveling from the Outer Continental Shelf (OCS) to State waters. The Permit requires Beta Offshore to "maintain the pipeline in a good and safe operating condition at all times," conduct weekly leak surveys by boat or aircraft, and inspect the pipeline once a year, alternating between external and internal inspections. The Permit is included with the enclosed documents.

Your letter requests the following two categories of documents and information from January 1, 2011 to the present:

- (1) Documents sufficient to show all inspections conducted by BSEE or PHMSA, or any entity contracted by BSEE or PHMSA, of the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the inspections' dates, findings, and outcomes, and copies of each inspection report.*
- (2) Documents sufficient to show all enforcement actions for no-compliance by Amplify Energy or Beta relating to the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the date, nature of the non-compliance, type of enforcement action taken by BSEE or PHMSA (such as warnings, notices of violations, or corrective action orders), fine or penalty imposed, and response or remedial action by Amplify Energy or Beta.*

We provide the following information and documents related to PHMSA inspections and enforcement actions. From January 1, 2011 to the present, PHMSA conducted several inspections of Beta Offshore. In 2016, PHMSA completed an integrated inspection of Beta Offshore's Beta Pump Station located in the City of Long Beach, California. As a result of that inspection, on December 22, 2016, PHMSA issued a Letter of Concern to Beta Offshore identifying two potential safety concerns regarding construction activities and the security of the pump station. During the next inspection, PHMSA confirmed with Beta Offshore that it addressed these safety concerns. The Letter of Concern and inspection report are enclosed.

From December 2018 to January 2019, PHMSA conducted an inspection of Beta Offshore's Drug and Alcohol Program. Operators of pipeline facilities subject to 49 C.F.R. Part 195 must

test covered employees for the presence of prohibited drugs and alcohol. *See* 49 C.F.R. Part 199. There were no enforcement actions necessary as a result of this inspection. The inspection report is included with the enclosed documents. From January-September 2021, PHMSA conducted an integrated inspection of Beta Offshore's pipeline facilities in California. Integrated inspections are conducted in phases, typically over several months, to allow for back and forth interactions with an operator regarding technical procedures, integrity management plans and documentation. PHMSA conducted the on-site portion of the integrated inspection from August 31-September 3, 2021. In light of the October 2, 2021 incident and the Corrective Action Order PHMSA issued on October 4, 2021 and associated requirements, PHMSA is considering the findings of the integrated inspection while the ongoing larger investigation of the October 2 incident continues. We will keep the Committee informed of any prospective PHMSA determination with respect to this matter.

In April 2021, PHMSA initiated an inspection of Beta Offshore's control room facility located in Long Beach, California. A control room is an operations center staffed by personnel charged with the responsibility of remotely monitoring and controlling a pipeline facility. This inspection consists of a multi-step process that includes an initial inspection, an exchange of relevant documentation, a virtual inspection, and then a follow-up physical inspection. The inspection process remains ongoing, but it has been postponed due to the recent pipeline failure.

On October 4, 2021, PHMSA issued a Corrective Action Order (CAO) to Beta Offshore following the rupture of its San Pedro Bay Pipeline. The CAO requires that the San Pedro Bay Pipeline remain shut down until a number of corrective measures are undertaken. The CAO requires a comprehensive review of in-line inspection results and pipeline records that may inform investigators about the circumstances leading to the failure and show whether those conditions exist elsewhere on the pipeline. The CAO also requires mechanical and metallurgical testing of the failed section of pipe, as well as a Root Cause Failure Analysis facilitated by an independent third party. Further, pursuant to the CAO, PHMSA retains authority to review and approve of any pipeline repair plan.

PHMSA is working with several other Federal and State agencies, including the National Transportation Safety Board-Marine Division and the U.S. Coast Guard, to identify the circumstances that led to the failure. As more is learned about this event, PHMSA may require additional actions or amendments to the CAO. The CAO and Safety Data Report are included with the enclosed documents. Additionally, on December 15, 2021, a Grand Jury for the U.S. District Court for the Central District of California handed down an indictment related to this incident, charging Amplify Energy Corp., Beta Operating Company, LLC d/b/a Beta Offshore, and San Pedro Bay Pipeline Company with the negligent discharge of oil under the Clean Water Act.

In parallel to the multi-agency investigation into the failure, PHMSA also is investigating Beta Offshore's compliance with the PSR. That separate investigation focuses on actions Beta Offshore took before, during, and after the accident. The results of that investigation could lead to further administrative or judicial enforcement action. In order to maintain the integrity of any

ongoing investigation or inspection, PHMSA cannot provide documents related to these pending matters at this time. However, please let us know if you have any questions regarding the records and information provided in this letter.

We defer to our colleagues at BSEE to provide its information separately. Again, thank you for your focused attention to this incident and for the Committee's work to improve pipeline safety. If I can provide further information or assistance, please feel free to contact me or your staff may contact Patricia Klinger, Deputy Director of Governmental, International and Public Affairs, by phone at 202-366-4831 or by email at Patricia.Klinger@dot.gov. A similar response has been sent to each cosigner of your letter.

Sincerely,

A handwritten signature in cursive script that reads "Tristan H. Brown". The signature is fluid and includes a long, sweeping underline.

Tristan H. Brown
Deputy Administrator

Enclosure



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

1200 New Jersey Avenue, SE
Washington, DC 20590

January 11, 2022

The Honorable Nanette Diaz Barragán
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Barragán:

Thank you for your October 6, 2021, letter regarding the October 2, 2021, San Pedro Bay Pipeline failure off the coast of Southern California and for the Committee's commitment to pipeline safety. This incident is a tragic reminder of the paramount importance of maintaining the highest levels of pipeline safety across our Nation's pipeline system. To that end, the Pipeline and Hazardous Materials Safety Administration (PHMSA) remains committed to working with our Federal, State, and local partners—including you and other members of Congress—to investigate the cause of this incident and ensure we do all we can to prevent a similar incident in the future. In response to your request, I have outlined background information on the San Pedro Bay Pipeline, PHMSA's inspection program, and our related regulatory efforts regarding this pipeline.

PHMSA's mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials. As part of this mission, PHMSA administers a national regulatory safety program for approximately 2.8 million miles of interstate and intrastate pipelines in the United States. This program requires that pipeline operators design, construct, operate, and maintain their pipeline facilities in compliance with the Federal pipeline safety regulations (PSR) found in Title 49 of the Code of Federal Regulations (C.F.R.), Parts 190-199. PHMSA and its State partners conduct inspections of pipeline operators to ensure compliance with the Federal PSR.

PHMSA has jurisdiction and safety oversight over Beta Offshore's 17.3-mile San Pedro Bay Pipeline, which consists of 15 miles offshore and two miles onshore. It is a transmission pipeline that transports crude oil from Platform Elly, located off the coast of California in Federal waters, to the Beta Pump Station located onshore in the City of Long Beach, California. *See* 49 C.F.R. Part 195 (prescribing safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide). PHMSA also has jurisdiction and safety oversight over the Beta Pump Station and associated breakout tank. *Id.* Beta Offshore also must submit its Facility Response Plan to PHMSA for review. *See* 49 C.F.R. Part 194 (prescribing requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines).

Offshore platforms and production pipelines located between platforms are subject to the jurisdiction and safety oversight of the Bureau of Safety and Environmental Enforcement (BSEE), which also received your October 6 letter. PHMSA and BSEE collaborate on safety concerns and regulatory oversight matters and that engagement is memorialized in a 2020 Memorandum of Understanding (MOU). I enclose a copy of that MOU with this letter.

Pursuant to the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 *et seq.*, on June 24, 1998, Beta Offshore received a Pipeline Right of Way Permit (Permit) for its San Pedro Bay Pipeline from the Minerals Management Service (MMS), BSEE's predecessor agency. The Permit authorizes Beta Offshore to operate a 6.4-mile pipeline traveling from the Outer Continental Shelf (OCS) to State waters. The Permit requires Beta Offshore to "maintain the pipeline in a good and safe operating condition at all times," conduct weekly leak surveys by boat or aircraft, and inspect the pipeline once a year, alternating between external and internal inspections. The Permit is included with the enclosed documents.

Your letter requests the following two categories of documents and information from January 1, 2011 to the present:

- (1) Documents sufficient to show all inspections conducted by BSEE or PHMSA, or any entity contracted by BSEE or PHMSA, of the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the inspections' dates, findings, and outcomes, and copies of each inspection report.*
- (2) Documents sufficient to show all enforcement actions for no-compliance by Amplify Energy or Beta relating to the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the date, nature of the non-compliance, type of enforcement action taken by BSEE or PHMSA (such as warnings, notices of violations, or corrective action orders), fine or penalty imposed, and response or remedial action by Amplify Energy or Beta.*

We provide the following information and documents related to PHMSA inspections and enforcement actions. From January 1, 2011 to the present, PHMSA conducted several inspections of Beta Offshore. In 2016, PHMSA completed an integrated inspection of Beta Offshore's Beta Pump Station located in the City of Long Beach, California. As a result of that inspection, on December 22, 2016, PHMSA issued a Letter of Concern to Beta Offshore identifying two potential safety concerns regarding construction activities and the security of the pump station. During the next inspection, PHMSA confirmed with Beta Offshore that it addressed these safety concerns. The Letter of Concern and inspection report are enclosed.

From December 2018 to January 2019, PHMSA conducted an inspection of Beta Offshore's Drug and Alcohol Program. Operators of pipeline facilities subject to 49 C.F.R. Part 195 must test covered employees for the presence of prohibited drugs and alcohol. *See* 49 C.F.R. Part 199. There were no enforcement actions necessary as a result of this inspection. The inspection report

is included with the enclosed documents. From January-September 2021, PHMSA conducted an integrated inspection of Beta Offshore's pipeline facilities in California. Integrated inspections are conducted in phases, typically over several months, to allow for back and forth interactions with an operator regarding technical procedures, integrity management plans and documentation. PHMSA conducted the on-site portion of the integrated inspection from August 31-September 3, 2021. In light of the October 2, 2021 incident and the Corrective Action Order PHMSA issued on October 4, 2021 and associated requirements, PHMSA is considering the findings of the integrated inspection while the ongoing larger investigation of the October 2 incident continues. We will keep the Committee informed of any prospective PHMSA determination with respect to this matter.

In April 2021, PHMSA initiated an inspection of Beta Offshore's control room facility located in Long Beach, California. A control room is an operations center staffed by personnel charged with the responsibility of remotely monitoring and controlling a pipeline facility. This inspection consists of a multi-step process that includes an initial inspection, an exchange of relevant documentation, a virtual inspection, and then a follow-up physical inspection. The inspection process remains ongoing, but it has been postponed due to the recent pipeline failure.

On October 4, 2021, PHMSA issued a Corrective Action Order (CAO) to Beta Offshore following the rupture of its San Pedro Bay Pipeline. The CAO requires that the San Pedro Bay Pipeline remain shut down until a number of corrective measures are undertaken. The CAO requires a comprehensive review of in-line inspection results and pipeline records that may inform investigators about the circumstances leading to the failure and show whether those conditions exist elsewhere on the pipeline. The CAO also requires mechanical and metallurgical testing of the failed section of pipe, as well as a Root Cause Failure Analysis facilitated by an independent third party. Further, pursuant to the CAO, PHMSA retains authority to review and approve of any pipeline repair plan.

PHMSA is working with several other Federal and State agencies, including the National Transportation Safety Board-Marine Division and the U.S. Coast Guard, to identify the circumstances that led to the failure. As more is learned about this event, PHMSA may require additional actions or amendments to the CAO. The CAO and Safety Data Report are included with the enclosed documents. Additionally, on December 15, 2021, a Grand Jury for the U.S. District Court for the Central District of California handed down an indictment related to this incident, charging Amplify Energy Corp., Beta Operating Company, LLC d/b/a Beta Offshore, and San Pedro Bay Pipeline Company with the negligent discharge of oil under the Clean Water Act.

In parallel to the multi-agency investigation into the failure, PHMSA also is investigating Beta Offshore's compliance with the PSR. That separate investigation focuses on actions Beta Offshore took before, during, and after the accident. The results of that investigation could lead to further administrative or judicial enforcement action. In order to maintain the integrity of any ongoing investigation or inspection, PHMSA cannot provide documents related to these pending

matters at this time. However, please let us know if you have any questions regarding the records and information provided in this letter.

We defer to our colleagues at BSEE to provide its information separately. Again, thank you for your focused attention to this incident and for the Committee's work to improve pipeline safety. If I can provide further information or assistance, please feel free to contact me or your staff may contact Patricia Klinger, Deputy Director of Governmental, International and Public Affairs, by phone at 202-366-4831 or by email at Patricia.Klinger@dot.gov. A similar response has been sent to each cosigner of your letter.

Sincerely,

A handwritten signature in cursive script that reads "Tristan H. Brown". The signature is fluid and includes a long, sweeping underline.

Tristan H. Brown
Deputy Administrator

Enclosures

Pipeline and Hazardous Materials Safety Administration

Document Production in Response to October 6, 2021 Congressional Letter on San Pedro Bay Oil Spill

Index

Enclosure 1	2020 BSEE-PHMSA MOU
Enclosure 2	BSEE Right-of-Way Permit
Enclosure 3	2016 Letter of Concern
Enclosure 4	2016 Letter of Concern Inspection Report
Enclosure 5	Drug & Alcohol Program Inspection Report
Enclosure 6	Corrective Action Order (CAO)
Enclosure 7	CAO Safety Data Report

ENCLOSURE 1



MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. DEPARTMENT OF TRANSPORTATION AND THE U.S. DEPARTMENT OF THE INTERIOR REGARDING OUTER CONTINENTAL SHELF PIPELINES

I. Introduction and Purpose

The Pipeline and Hazardous Materials Safety Administration (PHMSA), within the U.S. Department of Transportation (DOT), and the Bureau of Safety and Environmental Enforcement (BSEE), within the U.S. Department of the Interior (DOI) (collectively, the Agencies, or individually, Agency), are responsible for exercising regulatory authority with respect to natural gas and hazardous liquids pipelines located on the Outer Continental Shelf (OCS) of the United States.

The purpose of this Memorandum of Understanding (MOU) is to improve coordination between the Agencies regarding the regulation of pipelines on the OCS. Improved coordination will maximize the exchange of relevant information, avoid duplicative efforts, increase human health and environmental safety, and provide for an overall increase in the efficiency and effectiveness of the Federal Government by enabling the Agencies to implement compatible regulatory requirements for all OCS pipelines whether regulated by BSEE or PHMSA.

This MOU identifies responsibilities for different aspects of OCS pipeline oversight consistent with the DOI and DOT authorities established by statute and regulation. The DOI has authority over upstream producer-operated pipelines, and DOT has authority over downstream transporter-operated pipelines. This MOU supersedes the MOU dated December 10, 1996, between DOT and DOI regarding OCS pipelines.

The terms used in this MOU have the meanings given to them in the Outer Continental Shelf Lands Act (OCSLA), as amended, 43 U.S. Code (U.S.C.) §§ 1331 *et seq.*, the Clean Water Act (CWA), 33 U.S.C. § 1321, the Pipeline Safety Act (49 U.S.C. §§ 60101 *et seq.*), and other relevant statutes, as well as the Agency regulations implementing these statutes.

II. Legal Authority for Agency Roles

- A. Pipeline and Hazardous Materials Safety Administration: The PHMSA exercises authority under the Pipeline Safety Act (49 U.S.C. §§ 60101 *et seq.*) to prescribe and enforce minimum safety standards for pipeline facilities and pipeline transportation, including the transportation of natural gas and hazardous liquids by pipeline.

Applicable PHMSA regulations are promulgated at 49 Code of Federal Regulations Parts 190 through 199, which govern pipeline design, construction, operation, and maintenance, among other things.

- B. Bureau of Safety and Environmental Enforcement: The BSEE is responsible for promulgating and enforcing regulations for the promotion of safe pipeline operations, protection of the environment, and conservation of the natural resources of the OCS, in accordance with the OCSLA and other statutes (e.g., CWA and National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.*). Pursuant to OCSLA, BSEE is responsible for granting rights-of-way (ROWs) for the construction of certain pipelines and associated facilities on the OCS. Pursuant to the CWA, 33 U.S.C. § 1321, BSEE is responsible for reviewing and approving oil spill response plans submitted by owners and operators of offshore pipelines that “handle, store, or transport oil.” The BSEE’s regulations are codified in Title 30 (Mineral Resources) of the Code of Federal Regulations.

III. Agency Responsibilities

- A. Statutory and Regulatory Responsibilities: The Agencies recognize that understanding the statutory and regulatory responsibilities of each other is integral to effective coordination. These responsibilities are therefore described below.
1. *BSEE Responsibilities*:
 - a. Establish and enforce design, construction, operation, maintenance, and decommissioning regulations and investigate significant incidents pursuant to the OCSLA for all OCS pipelines (e.g., producer-operated pipelines and all OCS pipeline ROW grants, including associated transporter pipelines).
 - b. Conduct safety and health inspections of BSEE-authorized ROW accessory platforms, and on behalf of and as authorized by the United States Coast Guard, in accordance with 33 Code of Federal Regulations Subchapter N. The BSEE uses the potential incidents of noncompliance checklist for inspections and the issuance of any citations consistent with relevant regulations.
 - c. Require all pipeline and pipeline ROW applicants to submit plats identifying where the applicant understands regulatory authority transfer points are located.
 - d. When BSEE approves a pipeline ROW, which an applicant represents is partially or completely regulated by PHMSA, BSEE may condition its approval on the applicant designing, constructing, operating, and maintaining the pipeline in compliance with PHMSA regulations, including risers, appurtenances, and safety systems. The BSEE also may condition its approval with additional standards, derived from and in support of National Environmental Policy Act analyses, designed to protect the related coastal, marine, and human environments.

2. *PHMSA Responsibilities:* Establish and enforce design, construction, operation, and maintenance regulations and investigate significant incidents for all OCS pipelines beginning downstream of the point at which operating responsibility transfers from a producing operator to a transporting operator, or downstream of the last valve on the last production facility on the OCS for pipelines that cross into State waters. Such points will be fixed and clearly designated by the operators of the facilities, if practical.
- B. Responsibilities Pursuant to this MOU: Below, the Agencies describe the efforts they intend to take to enable effective coordination.
1. *Rulemaking:* The Agencies will consult regarding rulemaking efforts affecting OCS pipelines during the development of regulatory requirements and share supporting analyses on subjects of common interest.
 2. *Records Sharing:*
 - a. To ensure expeditious and coordinated efforts, the Agencies agree to share or provide access to all requested information and data submitted by OCS pipeline operators to the extent permitted by law and necessary to allow each Agency to meet its regulatory responsibilities.
 - b. The Agencies will provide electronic copies of their approval, acceptance, or acknowledgement letters associated with the other Agency's authorized ROWs, including line number designations.
 - c. The Agencies will provide the other Agency with any notice, agreement, or MOU with any Federal or State agency concerning OCS pipelines.
 3. *Freedom of Information Act:* In the event the Agencies receive Freedom of Information Act (5 U.S.C. § 552) requests for records related to the subject of this MOU, the Agency receiving the request will: (a) consult with the other Agency before releasing any responsive records to the requester when the other Agency has a substantial interest in the responsive records; and (b) refer the responsive records request to the other Agency for processing when the responsive records originated with the other Agency.
 4. *Consultation:* The Agencies will consult on research, development, training, and demonstration activities, where appropriate, to jointly improve pipeline safety. This coordination may include:
 - a. Consultation on schedules for the solicitation of research projects;
 - b. Participation in reviewing research white papers and full proposals received;
 - c. Co-funding of research;
 - d. Exchange of technical information and training opportunities;
 - e. Participation in workshops or technical sessions held by either Agency, academia, research institutes or organizations, other government agencies, or other entities involved in pipeline research, development, or demonstration;

- f. Dissemination of technological solutions identified through research, development, and demonstration projects; and
 - g. Review of research findings of international organizations involved in pipeline safety, integrity, and reliability research.
5. *Inspections, Investigations, and Enforcement:*
- a. Each Agency will endeavor to keep the other informed of newly discovered or emerging safety issues or concerns, including information relating to any incident investigations or enforcement actions that an Agency may undertake, to the extent permitted by law.
 - b. If either Agency initiates an enforcement action that requires a facility shut-in, the initiating Agency will, as soon as practicable, notify the other Agency.
 - c. The Agencies may perform joint inspections of pipeline segments and associated facilities where either has authority, particularly when there are potential safety impacts from one facility on another.
 - d. The Agencies may perform joint investigations of incidents involving OCS pipeline segments where either has authority. They will share lessons learned from incident investigations.
 - e. The Agencies may agree to exceptions to this MOU on a facility-by-facility or area-by-area basis as appropriate, to the extent permitted by law.
 - f. The BSEE will allow PHMSA to use, on a reimbursable basis, BSEE-contracted helicopters for PHMSA's inspection of OCS pipelines, subject to helicopter availability.

IV. General Provisions

- A. The Agencies will meet periodically to review this MOU for any needed revisions.
- B. Nothing in this MOU alters, limits, or expands the statutory or regulatory authority of PHMSA or BSEE.
- C. Nothing in this MOU relieves an OCS pipeline lessee, ROW holder, contractor, owner, or operator from complying with the statutes, regulations, or orders of any State or Federal agency.
- D. Under a separate 1994 MOU among BSEE, PHMSA, and the U.S. Environmental Protection Agency, pursuant to the CWA, 33 U.S.C. § 1321, the Agencies have described their respective responsibilities for oil spill planning, prevention, and response according to the definition of "coastline" contained in the Submerged Lands Act, 43 U.S.C. § 1301(c). Nothing herein is intended to affect the implementation or administration of that MOU.¹

¹ Memorandum of Understanding Establishing Jurisdictional Responsibilities for Offshore Facilities, 59 FR 9494 (Feb. 28, 1994).

- E. Nothing in this MOU may be construed to obligate PHMSA, BSEE, or the United States to any current or future expenditure of resources in advance of the availability of appropriations from Congress. Nor does this agreement obligate PHMSA, BSEE, or the United States to spend funds on any project or purpose, even if the funds are available.
- F. This MOU is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- G. This MOU includes an attachment that supports enhanced coordination between the Agencies. This attachment, entitled "Points of Contact," lists respective points of contact for implementation of this MOU. The attachment may be updated by mutual written agreement by the listed "General Matters" contacts. Any updates to the attachment will be entitled, "Updated Points of Contact," with version date. Such updates to the attachment will not constitute material changes to this MOU and, as such, will not require that the MOU itself be updated. Instead, the "Updated Points of Contact" will become the operative attachment.

V. Effective Date and Duration

- A. This MOU is effective upon acceptance by both Agencies as indicated by the signatures below.
- B. Upon signature by both Agencies, this MOU supersedes the MOU dated December 10, 1996, between DOT and DOI regarding OCS pipelines.
- C. This MOU may be modified upon written request of one Agency and the subsequent written concurrence of the other Agency.
- D. This MOU may be terminated by either Agency upon 60-day written notice to the other Agency.

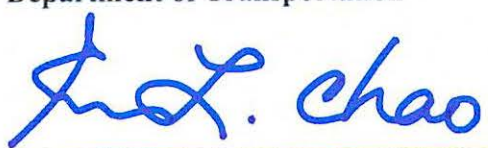
Department of the Interior



David L. Bernhardt, Secretary

Date: 12/1/2020

Department of Transportation



Elaine Chao, Secretary

Date: 12-22-2020

ATTACHMENT: POINTS OF CONTACT

I. General Matters

Deputy Associate Administrator for Field Operations
Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety, E22-207
1200 New Jersey Avenue SE
Washington, DC 20590

Bureau of Safety and Environmental Enforcement
Chief, Office of Offshore Regulatory Programs (OORP)
1849 C Street NW
Washington, DC 20240

II. Safety Concerns

Pipeline and Hazardous Materials Safety Administration

Southwest Region Director
PHMSA Office of Pipeline Safety
8701 S. Gessner Road, Suite 630
Houston, TX 77074
713-272-2859
mary.mcdaniel@dot.gov

BSEE Gulf of Mexico Region
Regional Supervisor, Regional Field Operations
Stephen Dessauer
504-736-2895
Stephen.Dessauer2@bsee.gov

BSEE Pacific Region
Regional Supervisor, Strategic Operations
Theresa Bell
805-384-6327
Theresa.Bell@bsee.gov

BSEE Alaska Region
Regional Supervisor, Field Operations
Kyle Monkelien
907-334-5307
Kyle.Monkelien@bsee.gov

III. ROW Letters

Gulf of Mexico Region: pipelines@bsee.gov

Alaska Region: Mail Stop 500
3801 Centerpoint Drive
Anchorage, AK 99503

Pacific Region: Mail Stop 102
760 Paseo Camarillo
Suite 102
Camarillo, CA 93010

ENCLOSURE 2

UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

PIPELINE RIGHT-OF-WAY PERMIT
PACIFIC OUTER CONTINENTAL SHELF REGION

Permittee: San Pedro Bay Pipeline Company

Permit No. OCS-P 0547

Pipeline: 16" oil

Effective Date: JUN 24 1998

Location: From Platform Elly on Lease
OCS-P 0300, Area Map 6-C, Block 33N
37W, to the State's three geographical mile
line, a distance of approximately 6.4 miles.

1. This Right-of-Way permit is issued pursuant to the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.), and the regulations pertaining thereto (30 CFR 250, Subpart J). The Permittee agrees to comply with all existing regulations, and all future regulations which the Secretary determines to be necessary and proper in order to provide for the prevention of waste and the conservation of the natural resources of the Outer Continental Shelf.

The pipeline Right-of-Way OCS-P 0547 is 200 feet in width for the maintenance and operation of a 16-inch outside diameter oil pipeline from Platform Elly to state waters, a distance of approximately 6.4 miles.

2. The Permittee agrees that if any site, structure, or object of historical or archaeological significance, hereinafter as a "cultural resource", should be discovered during the conduct of any operations within the granted right-of-way, he shall report immediately such findings to the Regional Supervisor, Office of Development, Operations and Safety, hereinafter referred to as the RS, ODOS and make every reasonable effort to preserve and protect the cultural resource from damage until the RS, ODOS has given the Permittee directions with respect to its protection.
3. The Permittee agrees that if any area of biological significance should be discovered during the conduct of any operations within the granted right-of-way, he shall report immediately such findings to the RS, ODOS and make every reasonable effort to preserve and protect the biological resource from damage until the RS, ODOS has given the Permittee directions with respect to its protection.
4. The Permittee agrees to comply with all regulations and conditions as may be prescribed by the Secretary of the Interior, or the Secretary of Transportation including, pursuant to Section 21(b) of the OCS Lands Act, as amended, provisions to assure maximum environmental protection by utilization of the best available and safest technologies. The Permittee also agrees to provide open and nondiscriminatory access to the pipeline to both owner and nonowner shippers.

OIL PIPELINE RIGHT-OF-WAY PERMIT NO. OCS-P 0547

Page 2

5. The Permittee shall maintain the oil pipeline in a good and safe operating condition at all times.
6. The Permittee shall inspect the ocean surface along the pipeline route for leakage a minimum of once every week by boat or aircraft. Records of these inspections with the dates, methods, and results shall be maintained at the field location by the pipeline operator and submitted to the RS, ODOS, annually by April 1.
7. The Permittee shall conduct external and internal inspections in alternating years or as prescribed by the RS, ODOS, by a third party, within an interval not to exceed thirteen months, on the oil pipeline (i.e. external - April 1998, internal - April 1999, external - May 2000).
8. Inspection plans are to be submitted to the RS, ODOS by the pipeline operator for approval a minimum of 30 days before the survey is conducted.
9. Records of the inspections with results shall be maintained at the field location and submitted to the RS, ODOS within 60 days after the actual survey is conducted. If a pipeline safety or commercial fishing hazard is found to exist, a report detailing the problem must be submitted along with the records.
10. External surveys shall be conducted using a ROV with video and sonar, a high- or ultra-high resolution Side Scan Sonar (SSS), or other method acceptable to the RS, ODOS to identify burial conditions, protrusions, structural integrity, damage, or corrosion to the pipeline. The external survey should include inspection of the pipeline risers and riser clamps; any grout bags, spans, debris or any other object which might constitute a pipeline safety concern or hazard to commercial fisherman or other users; identification of any weight or any other coating damage; identify any third party activity, such as anchor scars; observations of the rectifiers or anodes; and visual inspection above the splash zone. Videotape recordings must be traceable to survey map coordinates. Also, SSS shall be used at least once every 6 years as an external survey.

ROV mounted video systems should be functionally suitable for prevailing visibility conditions. The use of black and white video should be considered as it may perform better than color for many engineering surveillance objectives when high levels of back scatter are present.

11. The final report for the external survey shall be submitted in duplicate with an additional copy on disk, if available, and include a tabulated description of all aspects of the survey and their location given as lambert/UTM, latitude and longitude (decimal degrees) and Loran "C". The report shall be accompanied by maps of the surveyed pipeline indicating locations of burial conditions, spans, debris, any grout bags, coating damage, anode along the pipeline

OIL PIPELINE RIGHT-OF-WAY PERMIT NO. OCS-P 0547

Page 3

route, with exact locations of problem areas. The final report shall include an original of the annotated video tape with all objects which might constitute a pipeline safety concern or hazard to commercial fisherman or other users. One digital copy of maps on floppy disc(s) in cad, dwg, dxf, or dxt format are to be provided with the report.

12. Internal surveys shall be conducted to identify corrosion and/or damage using a internal "smart" pig survey tool approved by the RS, ODOS. One copy of the survey logs shall be submitted along with the results. Additionally, one copy of any software to analyze the survey and any digital data is to be included with the report of the survey results.
13. The Permittee shall send a Notice to Mariners containing information on the survey be published at least 30 days before conducting any external survey operation.
14. For continuity, pipelines entering State waters should be internally and externally inspected, including rectifiers or anodes, as far as possible towards shore when conducting inspection procedures.
15. The Permittee shall visually inspect the oil pipeline upon the report of any equipment being dropped overboard which might damage a pipeline or construction occurring within its vicinity and a report submitted to the Camarillo District Supervisor describing the incident and the results of the investigation.
16. The Permittee shall inspect the pipeline protected anodes annually within an interval not to exceed thirteen months by taking measurements of pipe-to-electrolyte potential measurements. Records of these inspections with results and conclusions are to be submitted annually with the internal or external survey report.
17. It is requested that the Permittee to submit to the RS, ODOS, a copy of the results of inspections required by other regulatory agencies, if they are in addition to MMS requirements.
18. Any changes, additions, deletion to any equipment on the permitted pipeline must be made only with express written approval of the RS, ODOS.
19. The Permittee agrees to maintain the pipeline to be compatible with fishing and shipping.

OIL PIPELINE RIGHT-OF-WAY PERMIT NO. OCS-P 0547

Page 4

Thomas W. Dunaway
 Thomas W. Dunaway
 Regional Supervisor
 Development, Operations and Safety
 Minerals Management Service
 Pacific OCS Region

Date: 6/25/98

San Pedro Bay Pipeline Company
 hereby agrees to be bound by the foregoing.

[Signature]

Date: June 4, 1998

Monterey Resources Inc.
 hereby agrees to be bound by the foregoing.

[Signature]

Date: 6/22/98

Samedan Oil Corporation
 hereby agrees to be bound by the foregoing.

[Signature]

Date: 6/10/98
 Dan O. Dinges
 Senior Vice President
 Division General Manager

ATTEST:

[Signature]
 Orville Walraven, Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of CaliforniaCounty of KernOn June 4, 1998 before me, Paula Peterson, Notary Public

DATE

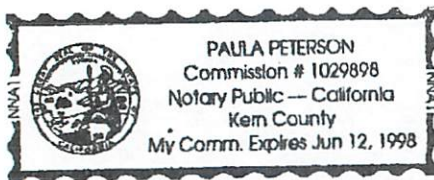
NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared E. J. Voiland

NAME(S) OF SIGNER(S)

☒ personally known to me ~~OR~~ ☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are
 subscribed to the within instrument and ac-
 knowledged to me that he/she/they executed
 the same in his/her/their authorized
 capacity(ies), and that by his/her/their
 signature(s) on the instrument the person(s),
 or the entity upon behalf of which the
 person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Paula Peterson
 SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
 NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

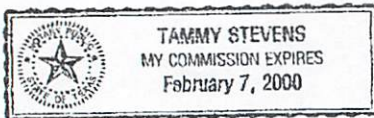
SIGNER(S) OTHER THAN NAMED ABOVE

STATE OF TEXAS

COUNTY OF HARRIS

On this 10th day of June, 1998, before me appeared Dan O. Dinges, to me personally known, who, being by me duly sworn, did say that he is the Senior Vice President, Division General Manager, of SAMEDAN OIL CORPORATION, a Delaware corporation, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors and said appearer acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Tammy Stevens
Notary Public

ENCLOSURE 3



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

12300 W. Dakota Ave., Suite 110
Lakewood, CO 80228

LETTER OF CONCERN

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 22, 2016

Mr. Bruce Berwager
Vice President
Beta Offshore
111 W. Ocean Blvd, Suite 1240
Long Beach, CA 90802

CPF 5-2016-7005C

Dear Mr. Berwager:

On November 3, 2016, and December 7, 2016, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected your Beta Offshore Pump Station in Long Beach, California.

As a result of the inspection, the following items were identified as potential safety concerns:

1. Construction activities of the relocation project for the Gerard Desmond Bridge in Long Beach are being conducted in close proximity of the pump station. Movement of heavy equipment, setting concrete footings for new traffic ramps could impact station piping, pipeline valves and pipelines connected to the station. The above ground storage tank, above ground piping could be impacted by fallen debris or vehicles. It is anticipated the relocation project will last several more months.
2. Security of the pump station could be difficult to maintain due to a constant presence of people working outside the fence of the pump station.

We hope you will consider these areas of concern as an opportunity to improve your existing pipeline safety program. If we can answer any questions or be of any help, please call us at 720-963-3160.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 5-2016-7005C**. Be advised that all material you submit in response to this letter 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,

A handwritten signature in black ink, appearing to be 'CH' followed by a stylized flourish.

Chris Hoidal
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry
PHP-500 P. Nguyen (#154482)

ENCLOSURE 4

Inspection Output (IOR)

DB17-11/28

Inspection Information

Inspection Name	Beta Offshore Liquid	Operator(s)	BETA OFFSHORE (32224)	11-23-16 A10:22 ROW	Plan Submitted	10/05/2016
Status	PLANNED	Lead	Phillip T Nguyen		Plan Approval	10/06/2016 by Dustin Hubbard
Start Year	2016	Supervisor	Dustin Hubbard		All Activity Start	10/10/2016
System Type	HL	Director			All Activity End	11/30/2016
Protocol Set ID	HL.2016.02				Inspection Submitted	11/17/2016
					Inspection Approval	CH 12/5/16

Inspection Summary

Beta Offshore was inspected this year using the IA inspection protocol. Beta Offshore O&M manuals, maintenance records, and field inspection all were conducted this period. An observation of the SCADA including the leak detection system was conducted in Long Beach office in Long Beach, CA.

A field inspection was conducted after the office review of its pipeline ROW, pipeline valves, manifold, pumping units, and one b/o tank at Beta Pump Station in Long Beach.

Summary:

Potential unsafe condition resulting from ongoing construction activities of the Port Authority of Long Beach regarding the Gerard Desmond Bridge relocation project in Long Beach, CA.

The Beta Pump Station in Long Beach, CA has been surrounded by ongoing construction activities regarding its location, and above the pump station. Denver office staff was informed of these conditions. PHMSA inspector was told a Denver staff will follow up with Beta Offshore personnel from now on.

Scope (Assets)

Short # Label	Long Label	Asset Type	Asset IDs	Excluded Topics	Planned	Required	Total Inspected	Required % Complete
1. Unit 395	OO-BETA--OFS P/L FROM ELLY TO SHORE	unit	395	GOM	145	145	145	100.0%

Planned completion excludes unanswered questions planned as "always reserve"

Plans

Plan # Assets	Focus Directives	Involved Groups/Subgroups	Qst Type(s)	Extent Notes
1. Unit 395	Small System Key Risks, Core	AR, CR, DC, EP, FS, IM, MO, PD, RPT, SRN, TD, TQ, GENERIC	P, R, O, S	Detail

Plan Implementations

#	Activity Name	SMAR T Act#	Start Date End Date	Focus Directive s	Involved Groups/Subgroup s	Assets	Qst Type(s)	Planne d	Require d	Total Inspecte d	Required % Comple t
1	2016BetaOffshore	15448	10/10/2016	Small System	AR, CR, DC, EP, FS, IM, MO, PD, RPT,	Unit 39	all types	145	145	145	100.0%
		15448	11/30/2016	Key Risks, Core	SRN, TD, TQ, GENERIC						

- a. Since questions may be implemented in multiple activities, but answered only once, questions may be represented more than once in this table.
- b. Percent completion excludes unanswered questions planned as "always observe".

Forms

No.	Entity	Form Name	Status	Date Completed	Activity Name	Asset
1.	Attendance List	2016BetaOffshore	COMPLETED	11/15/2016	2016BetaOffshore	--
2.	Inspection Scoping	2016BetaOffshore	COMPLETED	11/15/2016	2016BetaOffshore	Unit 395

Results (Unsat,Concern values, 0 results)

This inspection has no matching Results.

Report Parameters: Results: Unsat,Concern

Acceptable Use: Inspection documentation, including completed protocol forms, summary reports, executive summary reports, and enforcement documentation are for internal use only by federal or state pipeline safety regulators. Some inspection documentation may contain information which the operator considers to be confidential. In addition, supplemental inspection guidance and related documents in the file library are also for internal use only by federal or state pipeline safety regulators (with the exception of documents published in the federal register, such as advisory bulletins). Do not distribute or otherwise disclose such material outside of the state or federal pipeline regulatory organizations. Requests for such information from other government organizations (including, but not limited to, NTSB, GAO, IG or Congressional Staff), should be referred to PHMSA Headquarters Management.

ENCLOSURE 5



**Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety**

Substance Abuse Program

Comprehensive Audit and Inspection Protocol Form

Combined Anti-Drug and Alcohol Misuse Programs

Form No.: 3.1.11

Revision 2

September 1, 2017

***Replaces and Provides Comprehensive
Anti-Drug Program and Alcohol Misuse Program
HQ Inspection Forms***

Operator/Contractor Profile and General Audit Information

Company:	Name: Beta Operating Company		
	Mailing and Official Address (If different): 111 Ocean Blvd, Ste 1240 Long Beach CA 90802		
	Doing Business as or Affiliation: Beta Offshore		
PHMSA Operator Identification (OPID) or Contractor Business Tax ID No. (BTIN)	32224		
Other OPIDs or BTINs covered by the above operator's or contractor's Substance Abuse Plan:			
Company's DER or Substance Abuse Program Manager:	Name and Title: Kate Conrad		Phone No.: (562) 685-9909
	Mailing Address: 111 Ocean Blvd, Ste 1240 Long Beach CA 90802		Email Address: Kate.Conrad@amplifyenergy.com
Consortium or Third Party Administrator (C/TPA)		C/TPA Point of Contact	
Company Name:	Advanced Workplace Strategies, Inc.	Contact Name:	Garrett DiCorpo
Ph. No.:	(714) 731-3084	Ph. No.:	
Fax No.:		Fax No.:	
Web Site or Email		Email	
Address:	17592 East 17th Street, Suite 300, Tustin, CA 92780	Lead Auditor or Inspector	Name: Wayne T. Lemoi
			Agency: U.S. DOT/PHMSA/OPS
		Date of Audit or Inspection:	February 12, 2019 111 Ocean Blvd, Ste 1240 Long Beach CA 90802
Total number employees performing covered functions (as defined in 199.3) who are under this Substance Abuse Plan, including those within OpID No's or BTIN No's. listed above. Refer to the operator's most recent Management Information System (MIS) or statistical drug and alcohol testing report, if available. If not available at time of the audit, have the operator provide this information to the inspector or email to: <u>Wayne.Lemoi@DOT.GOV</u> within 30 days of the request.			33
Total number of operator's employees (included those within OPIDs or BTINs listed above).			

Company Representatives Participating

Key Persons	Name/Title/Mailing Address	Phone/Email Address
Primary Operator or Contractor Representative Interviewed or Providing Information	Kate Conrad HR Supervisor Beta Offshore	562-685-9909 kate.conrad@amplifyenergy.com
Others Interviewed, Providing Information or Present at Audit or Inspection:	Rick Armstrong Pipeline Superintendent Beta Offshore	562-628-1534 rick.armstrong@amplifyenergy.com

Government or Other Official Representatives Participating:

Name/Title	Office/Organization	Phone/Email Address

Type of Facility:

(Operators only – Check all that apply)

	Gas Distribution Pipeline	X	Hazardous Liquid Pipeline
	Gas Transmission Pipeline		Carbon Dioxide Pipeline
	Gas Gathering Pipeline		Liquefied Natural Gas (LNG) Facility
	Other: Transportation identified as:		

Plan and Policy Developed by:				Testing Program Administered by:			
(Check-off all that apply)				(Check-off all that apply)			
	Drug		Alcohol		Drug		Alcohol
			Operator				Operator
			Contractor				Contractor
	X		X		X		X
			TPA				TPA
			Consortium				Consortium
			Consultant				Consultant
			Other:				Other:

Contractor Records Maintained by:				Specimen Collection Conducted by:			
(Check-off all that apply)				(Check-off all that apply)			
	Drug		Alcohol		Drug		Alcohol
			Operator				Operator Personnel On-Site
			Contractor				Operator Personnel Off-Site
	X		X				Contractor Personnel On-Site
			TPA				Contractor Personnel Off-Site
			Consortium				
			Consultant		X		X
			Other:		X		X

MIS Reports Submitted to:				Additional Statistical Testing Reports Submitted to:			
(Check-off all that apply)				(Check-off all that apply and identify entity by name-Use notes page for additional entity names)			
	Drug		Alcohol		Drug		Alcohol
			FAA				Operator:
			FMCSA				Contractor:
			FTA				TPA:
			FRA				Consortium:
	X		X				Federal:
			PHMSA				State:
			USCG				
			Other Federal:				Other:
			Other State:				Other:
							Other:

Contact Information:

For questions or guidance related to this inspection form contact:

Wayne T. Lemoi, Program Manager
Office of Substance Abuse Policy, Investigations and Compliance
Pipeline and Hazardous Materials Safety Administration (PHMSA)
Office of Pipeline Safety (OPS)
Washington, DC 20590
Contact Number: 909-937-7232
E-mail Address: wayne.lemoi@dot.gov

Auditor/Inspector Notes and Additional Information:

The combined Beta Operating Company Drug & Alcohol Plan was reviewed offsite prior to the onsite inspection. The plan was last updated in 2011 and is years out of date. However, the company provided an Addendum dated Jan 1, 2018, with some updates. There were many years between January 2011 and the January 2018 update. The plan is mostly a regurgitation of the regulations with little to no information on how Beta Operating actually manages their D&A Program.

Substance Abuse Program Protocols

Table of Contents

Anti-Drug Program

Protocol Area A. Anti-Drug Program, Plan and Policies

Protocol Area B. Officials, Representatives and Agents

Protocol Area C. Required Drug Tests

Protocol Area D. Drug Testing Laboratories

Protocol Area E. Review of Drug Testing Results

Protocol Area F. Record Keeping and Reporting

Protocol Area G. Employee Assistance Program

Alcohol Misuse Prevention Program

Protocol Area H. Alcohol Misuse Prevention Program, Plan and Policies

Protocol Area I. Officials, Representatives, and Agents

Protocol Area J. Required Alcohol Tests

Protocol Area K. Alcohol Testing Devices

Protocol Area L. Record Keeping and Reporting

General

Protocol Area M. Reporting of Drug and Alcohol Testing Results

Protocol Area N. Public Interest Exclusions

Collection/Testing Sites

Protocol Area O. Specimen Collection Sites

Protocol Area P. Alcohol Testing Sites

Anti-Drug Program

Protocol Area A. Anti-Drug Program, Plan and Policies

- [A.01](#) Anti-Drug Program and Plan Scope
- [A.02](#) Anti-Drug Policies
- [Table of Contents](#)

A.01 Anti-Drug Program and Plan Scope

Verify that the Anti-Drug Plan meets the requirements of §199.101.

A.01.a. Written Anti-Drug Plan

A.01.a. Verify that the operator maintains and follows a written Anti-Drug Plan that conforms to Part 199 and Part 40 and that the plan contains the following [§199.101]:

1. Methods and procedures for compliance with all the requirements of Part 199, including the employee assistance program;
2. The name and address of each laboratory that analyzes the specimens collected for drug testing;
3. The name and address of the operator's Medical Review Officer, and Substance Abuse Professional; and
4. Procedures for notifying employees of the coverage and provisions of the plan.

A.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	Beta did not maintain its Drug & Alcohol Plan. The plan was last revised in January 2011 but provided an Addendum dated January 2018 with some updates. There were many years between January 2011 and the January 2018 update.
X	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

A.01.b. Covered Employees

A.01.b. Verify that the Anti-Drug Program identifies the covered employees (as defined in §199.3) that are required to be tested for the presence of prohibited drugs [§199.1].

A.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

A.01.c. Contractor's Anti-Drug Testing Program

A.01.c. If an employer utilizes applicable contractors or subcontractors who perform covered functions and conduct drug testing, education and training as part of the Anti-Drug Program [§199.115], but separate from the employer, verify that there is a process in place and implemented to ensure compliance with Part 199 and Part 40.

- The contractor must allow access to property and records by the operator, the Administrator, and if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring the operator's compliance with the requirements of this part [§199.115(b)].

A.01.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	Operator does not use contractors.
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

A.01.d. DOT vs. Non-DOT Tests

A.01.d. Verify that the Anti-Drug Program ensures that the DOT tests are completely separate from non-DOT tests in all respects [§40.13].

A.01.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

A.01.e. Employer's Use of Anti-Drug Program Third Party Providers

A.01.e. If an employer utilizes third party providers who perform covered functions and conduct drug testing, education, training and other appropriate services as part of the Anti-Drug Program, verify that there is a process in place and implemented to ensure compliance [§40.341].

A.01.e. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

A.02 Anti-Drug Policies

Verify that anti-drug policies are established that meet the requirements of Part 40 and Part 199.

A.02.a. Employee Stand Down

Verify that the Anti-Drug Program prohibits standing down an employee before the Medical Review Officer (MRO) has completed the drug test verification process or that an approved waiver is granted per the requirements of [§40.21] and [§199.7].

A.02.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

A.02.b. Drug Regulations Violations

A.02.b. Verify that the Anti-Drug Program assures that a covered employee that violates DOT drug regulations is removed from performing safety-sensitive functions [§40.23 and §199.7]. A verified positive

DOT drug test result or a refusal to test (including by adulterating or substituting a urine specimen) constitutes a violation of DOT drug regulations [§40.285(b) and §199.103(a)].

- In addition, if a covered employee violates a DOT drug regulation, verify that a listing of Substance Abuse Professionals (SAPs) that are readily available is provided to the employee [§40.287].

A.02.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

Protocol Area A - Documents Reviewed			
Document Number	Rev	Date	Document Title
		Jan 4, 2011	Anti-Drug and Alcohol Misuse Prevention Plan
		Jan 1, 2018	AWSI Addendum

Protocol Area B. Officials, Representatives, and Agents

- [B.01 Employer Responsibilities for Officials, Representatives, and Agents](#)
- [Table of Contents](#)

B.01 Employer Responsibilities for Officials, Representatives, and Agents

Verify that the Anti-Drug Program ensures that the employer remains responsible for all actions of their Officials, Representatives, and Agents (including service agents) as required by §40.11 and §199.115(a).

B.01.a. Qualification Requirements

B.01.a. Verify that Anti-Drug Program positions meet the applicable qualification requirements of Part 40 and Part 199 as follows:

1. Medical Review Officer (MRO) - §40.121 and §199.109(b)
2. Urine Specimen Collector - §40.33
3. Substance Abuse Professional (SAP) - §40.281

B.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

B.01.b. Designated Employer Representative

B.01.b. Verify that a service agent is not used to fulfill the function of a Designated Employer Representative (DER) [§40.15(d)].

B.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

Protocol Area B - Documents Reviewed			
Document Number	Rev	Date	Document Title
		Jan 4, 2011	Anti-Drug and Alcohol Misuse Prevention Plan
		Jan 1, 2018	AWSI Addendum

Protocol Area C. Required Drug Tests

- [C.01](#) Pre-employment Investigation and Drug Testing
- [C.02](#) Post-Accident Drug Testing
- [C.03](#) Random Drug Testing
- [C.04](#) Reasonable Cause Drug Testing
- [C.05](#) Return to Duty Drug Testing
- [C.06](#) Follow-up Drug Testing
- [C.07](#) Employer Responsibilities Regarding Direct Observation During Drug Testing
- [Table of Contents](#)

C.01 Pre-employment Investigation and Drug Testing

Verify that the Anti-Drug Program ensures that pre-employment tests for the presence of a prohibited drug are completed and investigations are performed as required by §40.25 and §199.105(a).

C.01.a. Verify that drug testing information [§40.25(b)] is requested from previous DOT-regulated employers for any employee seeking to begin covered functions for the first time (i.e., a new hire or an employee transfer) [§40.25(a)].

- In addition, verify that a covered employee must not perform their functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain drug testing information from previous DOT-regulated employers.

C.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

C.01.b. New Personnel Drug Testing

C.01.b. Verify that no new personnel (new hire, contracted, or transferred employees) are used to perform covered functions unless that person passes a drug test or is covered by an anti-drug program that conforms to Part 199 [§199.105(a)].

- In addition, verify that procedures are in place for direct observation when required under §§40.67(a), (b) and (d)

C.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

C.02 Post-Accident Drug Testing

Verify that the Anti-Drug Program ensures that post-accident tests for the presence of a prohibited drug are completed as required by §199.105(b).

C.02.a. Verify that post-accident drug testing is performed, as soon as possible but no later than 32 hours after an accident (§ 195.50) or incident (§ 191.3), for each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident [§199.105(b)].

- In addition, verify that procedures are in place for direct observation when required under §§40.67(a), (b) and (d)

C.02.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

C.03 Random Drug Testing

Verify that the Anti-Drug Program ensures that random tests for the presence of a prohibited drug are completed as required by §199.105(c).

C.03.a. Minimum Annual Percentage Rate

C.03.a. Verify that the minimum annual percentage rate used for random drug testing of covered employees complies with §199.105(c)(1) through (4).

C.03.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

C.03.b. Random Testing Methodology

C.03.b. Verify that the selection of employees for random drug testing is based on a scientifically valid method, such as a random number table or a computer-based random number generator matched with employee identification data [199.105(c)(5)].

C.03.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

C.03.c. Selection of Random Testing Pool

C.03.c. Verify that the operator selects a sufficient number of covered employees for random testing during each calendar year to equal an annual rate not less than the required minimum annual percentage rate (see Protocol C.03.a.) [199.105(c)(6)].

- To calculate the total number of covered employees eligible for random testing throughout the year you must add the total number of covered employees eligible for testing during each random testing period for the year and divide that total by the number of random testing periods [199.119(c)].

C.03.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

C.03.d. Scheduling of Random Tests

C.03.d. Verify that random drug tests are unannounced and that the dates for administering the tests are spread reasonably throughout the calendar year [199.105(c)(7)].

C.03.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

C.04 Reasonable Cause Drug Testing

Verify that the Anti-Drug Program ensures that tests are performed when there is reasonable cause to believe the employee is using a prohibited drug [§199.105(d)].

C.04.a. Basis for Reasonable Cause Testing

C.04.a. Verify that decisions to test are reasonable and articulable, and based on specific contemporaneous physical, behavioral or performance indicators of probable drug use. Verify that at least two supervisors, one of whom is trained in detection of the symptoms of drug use, substantiate and concur in the decision to test an employee who is reasonably suspected of drug use [§199.105(d)].

C.04.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

C.05 Return-to-duty Drug Testing

Verify that the Anti-Drug Program ensures that a covered employee that violates DOT drug regulations may not return to duty for a covered function until the employee has complied with the requirements for SAPs and return-to-duty testing [§199.105(e)].

C.05.a. Verify that a covered employee that violates DOT drug regulations does not return to duty for a covered function until the employee:

1. Completes a SAP evaluation, referral, and education/treatment process [§40.285(a), §40.289(b), and §199.105(e)], and
2. After completion of the SAP process above, successfully completes a return-to-duty drug test [§40.305(a) and §199.105(e)].
3. As of August 31, 2009, verify that all return-to-duty testing was performed under direct observation [§40.67(b)]

C.05.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

C.06 Follow-up Drug Testing

Verify that the Anti-Drug Program ensures that a follow-up testing plan is established and implemented for a covered employee that violates DOT drug regulations and successfully completes the actions to return to duty for a covered function [§40.307, §40.309, and §199.105(f)].

1. As of August 31, 2009, verify that all follow-up testing was performed under direct observation [§40.67(b)]

C.06.a. SAP Follow-up Testing Plan

C.06.a. Verify that the SAP establishes a written follow-up testing plan for a covered employee that violates DOT drug regulations and seeks to return to the performance of a covered function [§40.307(a)].

C.06.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

C.06.b. Follow-up Testing Scheduling

C.06.b. Verify that follow-up testing is performed on an unannounced basis, at a frequency established by the SAP, for a period of not more than 60 months. At least six tests must be conducted within the first 12 months following the covered employee's return to duty. [§40.307, §40.309, and §199.105(f)].

C.06.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

C.07 Employer Responsibilities Regarding Direct Observation During Collections for Drug Testing

C.07.a. Verify that procedures are in place for direct observation when required under §§40.67(a), (b) and (d)

C.07.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

Protocol Area C - Documents Reviewed		
Rev	Date	Document Title
	Jan 4, 2011	Anti-Drug and Alcohol Misuse Prevention Plan
	Jan 1, 2018	AWSI Addendum

Protocol Area D. Drug Testing Laboratories

- [D.01](#) Approved Drug Testing Laboratories
- [D.02](#) Blind Specimens
- [D.03](#) Laboratory Records and Reports
- [Table of Contents](#)

D.01 Approved Drug Testing Laboratories

Verify that the drug testing laboratories meet the applicable requirements of Part 40 and Part 199.

D.01.a. Drug Testing Laboratory Certification

D.01.a. Verify that the drug testing laboratory used for all testing required by Part 40 and Part 199 is certified by the Department of Health and Human Services (HHS) [§40.81(a) and §199.107(a)].

D.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

D.01.b. DOT Tested Drugs

D.01.b. Verify that the drug testing laboratory only tests for the following five drugs or classes of drugs in a DOT drug test. (The laboratories must not test “DOT specimens” for any other drugs).

- (a) Marijuana metabolites.
- (b) Cocaine metabolites.
- (c) Amphetamines.
- (d) Opiate metabolites. & Opioids
- (e) Phencyclidine (PCP) [§40.3, §40.85 and §199.3].

D.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	Opioids included in AWSI Addendum
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

D.01.c. Laboratory Results Direct to MRO

D.01.c. Verify that laboratory results are reported directly, and only, to the MRO at his or her place of business. Results must not be reported to or through the DER or a service agent (e.g., C/TPA) [§40.97(b)].

D.01.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

D.01.d. Laboratory Specimen Retention

D.01.d. Verify that laboratories testing the primary specimen retain a specimen that was reported with positive, adulterated, substituted, or invalid results for a minimum of one year. The specimen must be kept in secure, long-term, frozen storage in accordance with HHS requirements [§40.99 and §199.111(a)].

D.01.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

D.02 Blind Specimens

Verify that blind specimens are submitted to drug testing laboratories as required by Part 40.

D.02.a. Blind Specimen Submittals

D.02.a. If an employer or C/TPA has an aggregate of 2000 or more DOT-covered employees, verify that blind specimens are submitted to the laboratories that are used. If an employer or C/TPA has an aggregate of fewer than 2000 DOT-covered employees, they are not required to provide blind specimens [§40.103(a)].

D.02.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

D.03 Laboratory Records and Reports

Verify that drug testing laboratory records are maintained and reports are issued as required by Part 40.

D.03.a. Laboratory Record Retention

D.03.a. Verify that the laboratory retains all records pertaining to each employee urine specimen for a minimum of two years and also keeps for two years employer-specific data required in §40.111 [§40.109].

D.03.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

D.03.b. Laboratory Semi-Annual Summary

D.03.b. Verify that the laboratory transmits an aggregate statistical summary, by employer, of the data listed in Part 40, Appendix B to the employer on a semi-annual basis.

D.03.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

Protocol Area D - Documents Reviewed			
Document Number	Rev	Date	Document Title
		Jan 4, 2011	Anti-Drug and Alcohol Misuse Prevention Plan
		Jan 1, 2018	AWSI Addendum

Protocol Area E. Review of Drug Testing Results

- [E.01 Review of Drug Testing Results](#)
- [Table of Contents](#)

E.01 Review of Drug Testing Results

Verify that the review of drug testing results and the associated responsibilities and functions of the Medical Review Officer (MRO) meet the applicable requirements of Part 40 and Part 199.

E.01.a. Designated MRO

E.01.a. Verify that an MRO is designated or appointed by the Anti-Drug Plan [§199.109(a)].

E.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

E.01.b. MRO Quality Assurance Reviews

E.01.b. Verify that the MRO provides quality assurance reviews of the drug testing process, including ensuring the review of the Custody and Control Form (CCF) on all specimen collections [§40.123(b)].

E.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

E.01.c. MRO Review of Negative Test Results

E.01.c. Verify that the MRO performs the review functions required by §40.127 for negative drug test results received from a laboratory, prior to verifying the result and releasing it to the Designated Employer Representative (DER).

E.01.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

E.01.d. MRO Review of Positive Test Results

E.01.d. Verify that the MRO performs the review functions required by §40.129 for confirmed positive, adulterated, substituted, or invalid drug test results received from a laboratory, prior to verifying the result and releasing it to the DER.

- In addition, the MRO must determine whether there is a legitimate medical explanation for confirmed positive, adulterated, substituted, and invalid drug test results from the laboratory [§40.123(c)].

E.01.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

E.01.e. MRO Notification of Employee

E.01.e. Verify that when the MRO has verified a drug test as positive for a drug or drug metabolite, or as a refusal to test because of adulteration or substitution, and the MRO must notify the employee of his or her right to have the split specimen tested. The MRO must also:

- Notify the employee of the procedures for requesting a test of the split specimen, and
- Inform the employee that he or she has 72 hours from the time of this notification to him or her to request a test of the split specimen [§40.153].

E.01.e. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

E.01.f. Employee Requested Additional Testing

E.01.f. If additional testing is requested by the employee, verify that the split specimen is tested. Also verify the MRO immediately provides written notice to the laboratory that tested the primary specimen, directing the laboratory to forward the split specimen to a second HHS-certified laboratory, designated by the MRO, and further documents the date and time of the employees request [§140.171(c)].

E.01.f. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	None requested
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

Protocol Area E - Documents Reviewed			
Document Number	Rev	Date	Document Title
		Jan 4, 2011	Anti-Drug and Alcohol Misuse Prevention Plan
		Jan 1, 2018	AWSI Addendum

Protocol Area F. Record Keeping and Reporting

- [F.01](#) Record Keeping
- [F.02](#) Reporting of Drug Testing Results to the Operator
- [F.03](#) Reporting of Drug Testing Results to PHMSA
- [Table of Contents](#)

F.01 Record Keeping

Verify that drug testing records are retained in accordance with the applicable requirements of Part 40 and Part 199.

F.01.a. Record Keeping Requirements

F.01.a. Verify that the following records are retained as required by Part 40 and Part 199 and that the records are maintained in a location with controlled access [§40.333(c)]:

Record Type	Retention Period (in years)
Records of verified positive drug test results [§40.333(a)(1) and 199.117(a)(2)]	5
Documentation of refusals to take required drug tests (including substituted or adulterated drug test results) [§40.333(a)(1)]	5
SAP reports, including compliance with SAP recommendations [§40.333(a)(1) and 199.117(a)(2)]	5
All follow-up tests and schedules for follow-up tests [§40.333(a)(1)]	5
MIS annual report data [§199.117(a)(2)]	5
Information obtained from previous employers under §40.25 concerning drug test results of employees [§40.333(a)(2)]	3
Records confirming that supervisors and employees have been trained as required by Part 199 [§199.117(a)(4)]	3
Records that demonstrate the collection process conforms to Part 199 [§199.117(a)(1)]	3
Records of negative and cancelled drug test results [§40.333(a)(4) and 199.117(a)(3)]	1

F.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

F.02 Reporting of Drug Testing Results to the Operator

Verify that drug testing results are reported to the operator in accordance with the applicable requirements of Part 40 and Part 199.

F.02.a. MRO Reports to the Operator

F.02.a. Verify that the MRO reports all drug test results to the operator [§40.163(a) and §199.109(d)] in accordance with the requirements in §40.163, §40.165 and §40.167. These requirements include:

- Reporting all drug test results to the DER, except in the circumstances provided for in §40.345, when a C/TPA may act as an intermediary [§40.165(a)].
- Reporting the results in a confidential manner [§40.167(a)].
- Reporting the results within the required time constraints [§40.167(b) and (c)].

F.02.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

F.03 Reporting of Drug Testing Results to PHMSA

See Protocol M.

Protocol Area F - Documents Reviewed			
Document Number	Rev	Date	Document Title
			DAMIS Report 2015
			Various Records

Protocol Area G. Employee Assistance Program

- [G.01 Employee Assistance Program \(EAP\)](#)
- [Table of Contents](#)

G.01 Employee Assistance Program (EAP)

Verify that the EAP meets the applicable requirements of §199.113.

G.01.a. Established EAP

G.01.a. Verify that an EAP is provided for its employees and supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause. Each EAP must include education and training on drug use (see Protocols G.01.b. and G.01.c.) [§199.113(a)].

G.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

G.01.b. EAP Education Content

G.01.b. Verify that education under the EAP includes at least the following elements: display and distribution of informational material; display and distribution of a community service hot-line telephone number for employee assistance; and display and distribution of the employer's policy regarding the use of prohibited drugs [§199.113(b)].

G.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

G.01.c. Supervisory Personnel Training

G.01.c. Verify that training under the EAP for supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause must include one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use [§199.113(c)].

G.01.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

Protocol Area G - Documents Reviewed			
Document Number	Rev	Date	Document Title
			Various Records

Alcohol Misuse Prevention Program

Protocol Area H. Alcohol Misuse Prevention Program, Plan and Policies

- [H.01](#) Alcohol Misuse Prevention Program and Plan Scope
- [H.02](#) Alcohol Misuse Prevention Policies
- [Table of Contents](#)

H.01 Alcohol Misuse Prevention Program and Plan Scope

Verify that the Alcohol Misuse Plan meets the requirements of §199.202.

H.01.a. Written Alcohol Misuse Plan

H.01.a. Verify that the operator maintains and follows a written Alcohol Misuse Plan that conforms to Part 199 and Part 40 and that the plan contains methods and procedures for compliance with required testing, recordkeeping, reporting, education and training elements [§199.202]:

H.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	Beta did not maintain its Drug & Alcohol Plan. The plan was last revised in January 2011 but provided an Addendum dated January 2018 with some updates. There were many years between January 2011 and the January 2018 update.
X	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

H.01.b. Covered Employees

H.01.b. Verify that the Alcohol Misuse Prevention Program identifies the covered employees (as defined in §199.3) that are required to be tested for the presence of alcohol [§199.1].

H.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

H.01.c. Contractor's Alcohol Testing Program

H.01.c. If an employer utilizes applicable contractors or subcontractors who perform covered functions and conduct alcohol testing, education and training as part of the Alcohol Misuse Prevention Program [§199.245],], but separate from the employer, verify that there is a process in place and implemented to ensure compliance with Part 199 and Part 40.

- The contractor must allow access to property and records by the operator, the Administrator, any DOT agency with regulatory authority over the operator or covered employee, and, if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purposes of monitoring the operator's compliance with the requirements of Part 199 and Part 40 [§199.245(c)].

H.01.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	Operator does not use contractors.
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

H.01.d. DOT vs. Non-DOT Tests

H.01.d. Verify that the Alcohol Misuse Prevention Program ensures that the DOT tests are completely separate from non-DOT tests in all respects [§40.13].

H.01.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

H.01.e. Employer's Use of Third Party Providers in their Alcohol Misuse Prevention Program

H.01.e. If an employer utilizes third party providers who perform covered functions and conduct alcohol testing, education, training and other appropriate services as part of the Alcohol Misuse Prevention Program, verify that there is a process in place and implemented to ensure compliance [§40.341].

H.01.e. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

H.02 Alcohol Misuse Prevention Policies

Verify that alcohol misuse prevention policies are established that meet the requirements of Part 40 and Part 199.

H.02.a. Alcohol-Related Prohibited Conduct

Verify that the Alcohol Misuse Plan ensures that a covered employee is not permitted to perform covered functions if the employee has engaged in conduct prohibited by §§199.215 through 199.223 (as outlined below) or an alcohol misuse rule of another DOT agency [§199.233].

1. Having an alcohol concentration of 0.04 or greater [§40.23(c), §40.285 and §199.215].
2. Using alcohol while performing covered functions [§199.217, On-duty use].
3. Using alcohol within 4 hours prior to performing covered functions, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report for duty [§199.219, Pre-duty use].
4. A covered employee, who has actual knowledge of an accident in which his or her performance of covered functions has not been discounted by the operator as a contributing factor to the accident, is prohibited from using alcohol for 8 hours following the accident, unless he or she has been given a post-accident test under §199.225(a), or the operator has determined that the employee's performance could not have contributed to the accident [§199.221, Use following an accident].
5. Upon refusal of a covered employee to submit to a post-accident alcohol test required under §199.225(a), a reasonable suspicion alcohol test required under §199.225(b), or a follow-up alcohol test required under §199.225(d) [§40.285 and §199.223, Refusal to submit to a required alcohol test].

H.02.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

H.02.b. Available Resources for Employees

H.02.b. Verify that the Alcohol Misuse Prevention Program assures that each covered employee who has engaged in conduct prohibited by §§199.215 through 199.223 shall be advised of the resources available to the covered employee in evaluating and resolving problems associated with the misuse of alcohol. This includes the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs [§40.285(b) and §199.243(a)].

H.02.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

H.02.c. Alcohol Concentration of 0.02 or Greater

H.02.c. Verify that the Alcohol Misuse Prevention Program assures that a covered employee is prohibited from performing or continuing to perform covered functions when found to have an alcohol concentration of 0.02 or greater but less than 0.04, until:

1. The employee's alcohol concentration measures less than 0.02 in accordance with a test administered under §199.225(e); or
2. The start of the employee's next regularly scheduled duty period, but not less than 8 hours following administration of the test [§40.23(c) and §199.237(a)]

H.02.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

H.02.d. Alcohol Misuse Program Educational Materials

H.02.d. Verify that the Alcohol Misuse Prevention Program assures for providing educational materials that explain alcohol misuse requirements and the operator's policies and procedures with respect to meeting those requirements [§199.239(a)].

- The operator shall ensure that a copy of these materials is distributed to each covered employee prior to start of alcohol testing under this subpart, and to each person subsequently hired for or transferred to a covered position [§199.239(a)(1)].
- Each operator shall provide written notice to representatives of employee organizations of the availability of this information [§199.239(a)(2)].

H.02.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

H.02.e. Educational Materials Content

H.02.e. Verify that the educational materials made available to covered employees includes detailed discussion of at least the following [§199.239(b)]:

1. The identity of the person designated by the operator to answer covered employee questions about the materials.
2. The categories of employees who are subject to the provisions of this subpart.
3. Sufficient information about the covered functions performed by those employees to make clear what period of the work day the covered employee is required to be in compliance with this subpart.
4. Specific information concerning covered employee conduct that is prohibited by this subpart.
5. The circumstances under which a covered employee will be tested for alcohol under this subpart.
6. The procedures that will be used to test for the presence of alcohol, protect the covered employee and the integrity of the breath testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.
7. The requirement that a covered employee submit to alcohol tests administered in accordance with this subpart.
8. An explanation of what constitutes a refusal to submit to an alcohol test and the attendant consequences.
9. The consequences for covered employees found to have violated the prohibitions under this subpart, including the requirement that the employee be removed immediately from covered functions, and the procedures under §199.243.
10. The consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04.
11. Information concerning the effects of alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a coworker's); and including intervening evaluating and resolving problems associated with the misuse of alcohol including intervening when an alcohol problem is suspected, confrontation, referral to any available EAP, and/or referral to management.

H.02.e. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

Protocol Area H - Documents Reviewed			
Document Number	Rev	Date	Document Title
		Jan 4, 2011	Anti-Drug and Alcohol Misuse Prevention Plan
		Jan 1, 2018	AWSI Addendum

Protocol Area I. Officials, Representatives and Agents

- I.01 Employer Responsibilities for Officials, Representatives, and Agents
- Table of Contents

I.01 Employer Responsibilities for Officials, Representatives, and Agents

Verify that the Alcohol Misuse Prevention Program ensures that the employer remains responsible for all actions of their Officials, Representatives, and Agents (including service agents) as required by §40.11 and §199.245.

I.01.a. Qualification Requirements

I.01.a. Verify that Alcohol Misuse Prevention Program positions meet the applicable qualification requirements of Part 40 and Part 199 as follows:

1. Screening Test Technician - §40.213
2. Breath Alcohol Technician - §40.213
3. Substance Abuse Professional (SAP) - §40.281

I.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

I.01.b. Supervisor Training

I.01.b. Verify that supervisors designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing under §199.225(b) receive at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. [§199.241].

I.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

Protocol Area I - Documents Reviewed			
Document Number	Rev	Date	Document Title
			Training Records

Protocol Area J. Required Alcohol Tests

- [J.01](#) Pre-employment Investigation and Alcohol Testing
- [J.02](#) Post-Accident Alcohol Testing
- [J.03](#) Reasonable Suspicion Alcohol Testing
- [J.04](#) Return to Duty Alcohol Testing
- [J.05](#) Follow-up Alcohol Testing
- [Table of Contents](#)

J.01 Pre-employment Investigation and Alcohol Testing

Verify that the Alcohol Misuse Prevention Program ensures that pre-employment investigations for alcohol use are performed as required by §40.25 and that pre-employment alcohol tests are in compliance with §199.209(b).

J.01.a. Verify that alcohol testing information [§40.25(b)] is requested from previous DOT-regulated employers for any employee seeking to begin covered functions for the first time (i.e., a new hire or an employee transfers into a safety sensitive-position) [§40.25(a)].

- In addition, verify that a covered employee must not perform their functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain alcohol testing information from previous DOT-regulated employers.

J.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	None done.
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

J.01.b. If the operator chooses to conduct pre-employment alcohol testing, verify that the operator:

1. Conducts a pre-employment alcohol test before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions) [§199.209(b)(1)].
2. Treats all covered employees the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others) [§199.209(b)(2)].
3. Conducts the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test [§199.209(b)(3)].

J.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

J.02 Post-Accident Alcohol Testing

Verify that the Alcohol Misuse Prevention Program ensures that post-accident tests for the presence of alcohol are completed as required by §199.225(a).

J.02.a. Verify that post-accident alcohol testing is performed:

1. As soon as practicable following an accident (§ 195.50) or incident (§ 191.3) for each surviving covered employee if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident [§199.225(a)(1)].
2. Within two hours following the accident (§ 195.50) or incident (§ 191.3), otherwise, the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a post-accident test is not administered within eight hours following the accident, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test [§199.225(a)(2)].

J.02.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

J.03 Reasonable Suspicion Alcohol Testing

Verify that the Alcohol Prevention Program ensures that required actions are taken when there is reasonable suspicion to believe the employee is misusing alcohol [§199.225(b)].

J.03.a. Verify that decisions to test are based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The required observations shall be made by a supervisor who is trained in detecting the symptoms of alcohol misuse [§199.225(b)(2)].

J.03.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

J.03.b. Verify that a covered employee is directed by the operator to undergo reasonable suspicion testing for alcohol only while the employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing covered functions. [§199.225(b)(3)].

J.03.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

J.03.c. Verify that if a reasonable suspicion test is required and is not administered within 2 hours following the determination under §199.225(b)(2), the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test is not administered within 8 hours, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test [§199.225(b)(4)(i)].

J.03.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

J.04 Return-to-duty Alcohol Testing

Verify that the Alcohol Misuse Prevention Program ensures that a covered employee that engages in conduct prohibited by §§199.215 through 199.223 may not return to duty for a covered function until the employee has complied with the requirements for SAPs and return-to-duty testing [§199.225(c) and §199.243].

J.04.a. Verify that a covered employee that engages in conduct prohibited by §§199.215 through 199.223 does not return to duty for a covered function until the employee:

1. Completes a SAP evaluation, referral, and education/treatment process [§40.285(a), §40.289(b), §199.235, and §199.243(b)], and
2. After completion of the SAP process above, undergoes a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 [§40.305(a), §199.225(c), and §199.243(c)].

J.04.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	None done
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

J.05 Follow-up Alcohol Testing

Verify that the Alcohol Misuse Prevention Program ensures that a follow-up testing plan is established and implemented for a covered employee that misuses alcohol and successfully completes the actions to return to duty for a covered function [§40.307, §40.309, and §199.243].

J.05.a. Verify that the SAP establishes a written follow-up testing plan for a covered employee that engages in conduct prohibited by §§199.215 through 199.223 and seeks to return to the performance of a covered function [§40.307(a)].

J.05.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	None done
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

J.05.b. Verify that follow-up testing is performed on an unannounced basis, at a frequency established by the SAP, for a period of not more than 60 months. At least six tests must be conducted within the first 12 months following the covered employee's return to duty [§40.307, §40.309, §199.225(d) and §199.243(c)(2)(ii)].

J.05.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	None done
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

Protocol Area J - Documents Reviewed			
Document Number	Rev	Date	Document Title
		Jan 4, 2011	Anti-Drug and Alcohol Misuse Prevention Plan
		Jan 1, 2018	AWSI Addendum

Protocol Area K. Alcohol Testing Devices

- [K.01 Approved Alcohol Testing Devices](#)
- [Table of Contents](#)

K.01 Approved Alcohol Testing Devices

Verify that approved testing devices are used to perform alcohol screening and confirmation tests [§40.229 and §40.231].

K.01.a. Verify that any Evidential Breath Testing Device (EBT) or Alcohol Screening Device (ASD) used for DOT required alcohol testing is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a Conforming Products List (CPL) [§40.229 and §40.231].

K.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

K.01.b. Verify that external calibration checks are performed at the intervals specified in the manufacturer's instructions for any EBT used for DOT required alcohol confirmation testing [§40.231 and §40.233].

K.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

Protocol Area K - Documents Reviewed			
Document Number	Rev	Date	Document Title
		Jan 4, 2011	Anti-Drug and Alcohol Misuse Prevention Plan
		Jan 1, 2018	AWSI Addendum

Protocol Area L. Record Keeping and Reporting

- [L.01 Record Keeping](#)
- [L.02 Reporting of Alcohol Testing Results to PHMSA](#)
- [Table of Contents](#)

L.01 Record Keeping

Verify that alcohol testing records are retained in accordance with the applicable requirements of Part 40 and Part 199.

L.01.a. Verify that the following records are retained as required by Part 40 and Part 199 and that the records are maintained in a secure location with controlled access [§40.333(c) and §199.227(a)]:

Record Type	Retention Period (in years)
Records of alcohol test results indicating an alcohol concentration of 0.02 or greater [§40.333(a)(1) and §199.227(b)(1)]	5
Documentation of refusals to take required alcohol tests [§40.333(a)(1) and §199.227(b)(1)]	5
SAP reports [§40.333(a)(1) and §199.227(b)(1)]	5
All follow-up tests and schedules for follow-up tests [§40.333(a)(1)]	5
MIS annual report data [§199.227(b)(1)]	5
Calibration Documentation [§199.227(b)(1)]	5
Information obtained from previous employers under §40.25 concerning alcohol test results of employees [§40.333(a)(2)]	3
Records of the inspection, maintenance, and calibration of EBTs [§40.333(a)(3)]	2

L.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

L.02 Reporting of Alcohol Testing Results to PHMSA

See Protocol M.

Protocol Area L - Documents Reviewed			
Document Number	Rev	Date	Document Title
			Various records

Protocol Area M. Reporting of Drug and Alcohol Testing Results

- [M.01 Reporting of Drug and Alcohol Testing Results to PHMSA](#)
- [M.02 Employee Request for Records](#)
- [Table of Contents](#)

M.01 Reporting of Drug and Alcohol Testing Results to PHMSA

Verify that drug and alcohol testing results are compiled and submitted to PHMSA in accordance with the applicable requirements of Part 40 and Part 199.

M.01.a. Verify if this operator has more than 50 covered employees and submits an annual MIS report in accordance with the form and instruction requirements of §40.26 and Appendix H to Part 40, not later than March 15 of each year for the prior calendar year (January 1 through December 31) [§40.26, §199.119(a) and §199.229(a)].

- Verify if this operator identifies all contractors who performed covered functions, as defined under § 199.3, for this operator in a given calendar year; and, if required by either mandated annual or PHMSA written request, submitted a MIS report for each of these contractors?
 - The contractor identification and MIS reporting began with the March 15, 2010 MIS submission which documented contractor drug and alcohol testing during CY 2009.

M.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

M.01.b. Verify if this operator has 50 or less covered employees and has either a compilation of data or statistical information regarding drug and alcohol testing which, upon written request, could have been used to submit a MIS report in accordance with the form and instruction requirements of §40.26 and Appendix H to Part 40, not later than March 15 of each year for the prior calendar year (January 1 through December 31) [§40.26, §199.119(a) and §199.229(a)].

- Beginning with the March 15, 2010 MIS submission date, verify that this operator identifies all contractors who performed covered functions, as defined under § 199.3, for this operator and received a compilation of data or statistical information from these contractors which, upon written request, could be used for submitting an MIS report for each of these contractors.

M.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

M.01.c. If a service agent (e.g., Consortium/Third Party Administrator) prepares the MIS report on behalf of an operator, verify that each report is certified by the operator's anti-drug manager/alcohol misuse prevention manager or designated representative for accuracy and completeness [§199.119(f) and §199.229(d)].

M.01.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

M.02 Employee Request for Records

Verify that drug and alcohol records are provided to employees in accordance with Part 199 requirements.

M.02.a. Verify that upon written request from an employee, records of drug and alcohol use, testing results, and rehabilitation are provided to the employee [§199.117(b) and §199.231(b)].

M.02.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
	No Issue Identified	None requested
	Potential Issue Identified (explain)	
X	N/A (explain)	
	Not Inspected	

Protocol Area M - Documents Reviewed			
Document Number	Rev	Date	Document Title

Protocol Area N. Public Interest Exclusions

- [N.01 Public Interest Exclusions](#)
- [Table of Contents](#)

N.01 Public Interest Exclusions

Verify that the Drug and Alcohol Programs address Public Interest Exclusions (PIEs) in accordance with the applicable requirements of Part 40.

N.01.a. Verify that an employer who is using a service agent concerning whom a PIE is issued stops using the services of the service agent no later than 90 days after the Department has published the decision in the Federal Register or posted it on its web site. The employer may apply to the ODAPC Director for an extension of 30 days if it is demonstrated that a substitute service agent cannot be found within 90 days [§40.409(b)].

N.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
X	No Issue Identified	
	Potential Issue Identified (explain)	
	N/A (explain)	
	Not Inspected	

Protocol Area N - Documents Reviewed			
Document Number	Rev	Date	Document Title

Protocol Area O: Specimen Collection Sites

Service Provider Profile and General Audit Information

Company Name of Service Provider:	Not Inspected		
Official Address			
Business Tax ID Number			
Operator/Contractor Name and Op ID or Business Tax ID number utilizing the above Service Provider:			
Operator's/Contractor's DER or Substance Abuse Program Mgr /:		Phone No.:	
Service Provider Company Contact Information		Service Provider's Official Representative Contact	
Doing Business As or Affiliated Company Name		Contact Name:	
Ph. No.:		Ph. No.:	
Fax No.:		Fax No.:	
Web Site or Email		Email	
Mailing Address: (If different from official address)		Lead Auditor or Inspector:	Name:
			Agency:
			Date of Audit or Inspection:
Technician Interviewed	Qualification Expiration Date	Telephone Number	Comment

Key Persons	Name/Title	Phone/Email Address
Primary Service Provider Representative Interviewed or Providing Information		
Others Interviewed, Providing Information or Present at Audit:		

Government or Other Official Representatives Participating:

Name/Title	Office/Organization	Phone/Email Address

For any questions or requests for guidance related to this audit protocol document, please contact:

Auditor/Inspector Notes and Additional Information:

[illegible]

Protocol Area O: Specimen Collection Sites

- *O.01 Urine Collection Personnel*
- *O.02 Collection Sites, Forms and Supplies*
- *O.03 Urine Specimen Collections*
- *Table of Contents*

O.01 Urine Collection Personnel

Verify that training and usage of personnel is in compliance with the applicable requirements of Part 40.

O.01.a. Does the operator ensure that, unless no other collector is available, an immediate supervisor of an employee does not serve as a collection site person [§40.31(c)]?

O.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.01.b. Do collectors meet the training requirements of §40.33 and is documentation available showing that currently all requirements are met [§40.33(g)]?

O.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.01.c. Does the operator provide error correction training as required by §40.33(f) and does the training occur within 30 days of the date of notification of the error that led to the need for training?

O.01.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.02 Collection Sites, Forms and Supplies

Verify that collection sites, forms and supplies are in compliance with the applicable physical and security requirements of Part 40.

O.02.a. Has the employer designated a collection site that meets the requirements of §40.41.

O.02.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.02.b. If the collection site uses a facility normally used for other purposes, are procedures in place to ensure before the collection that: (1) access to collection materials and specimens is effectively restricted; and (2) the facility is secured against access during the procedure to ensure privacy to the employee and prevent distraction of the collector? Also, are limited-access signs posted [§40.43(c)]?

O.02.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.02.c. Are procedures in place to assure the collector maintains personal control over each specimen and CCF throughout the collection process and to prevent unauthorized personnel from entering any part of the site in which urine specimens are collected or stored [§40.43(d)(5) and §40.43(e)]?

O.02.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.02.d. Is the current Federal Drug Testing Custody and Control Form (CCF) or equivalent being used [§40.45]?

O.02.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.02.e. Is a collection kit used that meets the requirements of Appendix A to Part 40 [§40.49]?

O.02.e. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.03 Urine Specimen Collections

Verify that procedures for collection of urine specimens are in compliance with the applicable requirements of Part 40.

O.03.a. Do collection site personnel explain the basic collection procedure to the employee, including showing the employee the instructions on the back of the CCF [§40.61(e)]?

O.03.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.03.b. Do collection site personnel provide the donor with an individually wrapped or sealed collection container from the collection kit materials [§40.63(c)]?

O.03.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.03.c. Are precautions taken to ensure that unadulterated specimens are obtained and correctly identified that meet the following requirements:

- Bluing agents in toilet tank and all water sources secure [§40.43(b)(1) and (2)]
- Individual positively identified (photo ID, etc.) [§40.61(c)]
- Proper authority contacted if individual fails to arrive at the assigned time [§40.61(a)]
- The donor shall remove any unnecessary outer garments. Purses or briefcases shall remain with outer garments [§40.61(f)].
- Donor shall wash and dry his/her hands [§40.63(b)].
- To the greatest extent possible, the collector must keep an employee's collection container within view of both himself/herself and the employee between the time the employee has urinated and the specimen is sealed [§40.43(d)(2)]
- Any unusual behavior noted on the CCF [§40.63(e)]

O.03.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.03.d. Are procedures being followed at the collection site after the specimen has been provided in compliance with the requirements of §40.65

O.03.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.03.e. Have provisions been made if the donor is unable to provide at least 45 milliliters of urine [§40.65(a)]?

O.03.e. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.03.f. Are procedures in place for immediately collecting urine specimens under direct observation for the situations identified in §40.67(c)

1. As of August 31, 2009, verify that all collections for return-to-duty and follow-up testing were performed under DER directed direct observation [§40.67(b)]

O.03.f. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.03.g. Are same gender collection personnel used if a collection is monitored under direct observation by non-medical personnel [§40.69(g)]

O.03.g. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

O.03.h. Is the CCF properly executed by authorized collection site personnel upon receipt and transfer of a urine specimen [§40.73(a)]

O.03.h. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

Protocol Area O - Documents Reviewed			
Document Number	Rev	Date	Document Title

Protocol Area P: Alcohol Testing Sites

Service Provider Profile and General Audit Information

Company Name of Service Provider:	Not Inspected		
Official Address			
Business Tax ID Number			
Operator/Contractor Name and Op ID or Business Tax ID number utilizing the above Service Provider:			
Operator's/Contractor's DER or Substance Abuse Program Mgr /:		Phone No.:	
Service Provider Company Contact Information		Service Provider's Official Representative Contact	
Doing Business As or Affiliated Company Name		Contact Name:	
Ph. No.:		Ph. No.:	
Fax No.:		Fax No.:	
Web Site or Email		Email	
Mailing Address: (If different from official address)		Lead Auditor or Inspector:	Name:
			Agency:
		Date of Audit or Inspection:	
Technician Interviewed	Qualification Expiration Date	Telephone Number	Comment

Key Persons	Name/Title	Phone/Email Address
Primary Service Provider Representative Interviewed or Providing Information		
Others Interviewed, Providing Information or Present at Audit:		

Government or Other Official Representatives Participating:

Name/Title	Office/Organization	Phone/Email Address

Contact Information:

For any questions or requests for guidance related to this audit protocol document, please contact:

Wayne T. Lemoi, Program Manager
Office of Substance Abuse Policy, Investigations and Compliance
Pipeline and Hazardous Materials Safety Administration (PHMSA)-Pipeline Safety (OPS)
Washington, DC 20590
Contact Number: 909-937-7232
E-mail Address: Wayne.Lemoi@DOT.GOV

Auditor/Inspector Notes and Additional Information:

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Protocol Area P. Alcohol Testing Sites – Audit Information

- [P.01 Alcohol Testing Personnel](#)
- [P.02 Alcohol Testing Sites, Forms and Supplies](#)
- [P.03 Alcohol Screening Tests](#)
- [P.04 Alcohol Confirmation Tests](#)
- [P.05 Problems in Alcohol Testing](#)
- [Table of Contents](#)

P.01 Alcohol Testing Personnel

Verify that training and usage of personnel is in compliance with the applicable requirements of Part 40.

P.01.a. Does the operator's plan specify training for BATs and STTs that is in compliance with §40.213 and does the documentation certify that all requirements are met [§40.213(g)]?

P.01.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.01.b. Does the plan specify that a supervisor shall not serve as the BAT or STT if that supervisor makes the reasonable cause determination [§40.211(c) and §199.225(b)(2)].

P.01.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.02 Alcohol Testing Sites, Forms and Supplies

Verify that alcohol testing sites, forms and supplies are in compliance with the applicable physical and security requirements of Part 40.

P.02.a. Does the alcohol testing site comply with the applicable physical and security requirements of §40.221 and §40.223?

P.02.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.02.b. Does the plan specify that only EBTs and ASDs listed on the NHTSA CPL will be used for DOT alcohol testing [§40.229]? Also, does the plan specify that an EBT must be used for conducting the confirmation tests [§40.231(a)]?

P.02.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.02.c. Does the operator follow the Quality Assurance Plan (QAP) for the EBT that is used [§40.233(c)(1)]? If this service is contracted out does the operator ensure that the QAP is being followed [§40.233(c)]?

P.02.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.02.d. Does the plan specify that the operator or its agents shall comply with the QAP and manufacturer's instructions and does the operator follow the QAP for the ASD that is used [§40.235 and §40.235(c)]?

P.02.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.03 Alcohol Screening Tests

Verify that alcohol screening tests are performed in compliance with the applicable requirements of Part 40.

P.03.a. Does the plan prescribe that only the DOT-approved Alcohol Testing Form (ATF) shall be utilized [§40.225(a)]?

P.03.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.03.b. Does the plan specify that the employee shall provide a positive identification through use of photo ID or by employer representative [§40.241(c)]?

P.03.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.03.c. Does the plan indicate that the BAT or STT shall explain the testing process to the employee [§40.241(e)]?

P.03.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.03.d. Does the plan contain specific instructions for conducting alcohol screening tests in compliance with §40.241 and §40.243 requirements?

P.03.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.03.e. Does the plan contain specific instructions for conducting alcohol screening tests using a saliva ASD in compliance with §40.245 requirements?

P.03.e. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.03.f. Does the plan specify actions that are taken after receipt of alcohol screening test results that are in compliance with §40.247?

P.03.f. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.04 Alcohol Confirmation Tests

Verify that alcohol confirmation tests are performed in compliance with the applicable requirements of Part 40.

P.04.a. Does the plan provide guidance for the actions a new BAT must complete to conduct a confirmation test in compliance with §40.251(b)?

P.04.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.04.b. Does the plan specify procedures to be followed in conducting a confirmation test that are in compliance with §40.253 and §40.255?

P.04.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.05 Problems in Alcohol Testing

Verify that procedures for addressing problems in alcohol testing are in compliance with the applicable requirements of Part 40.

P.05.a. Does the plan address the situations for which the employee is considered to have refused to take an alcohol test [§40.261(a)(1) to (7)]?

]

P.05.a. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.05.b. Does the plan specify procedures concerning an employee's inability to provide an adequate amount of saliva for testing and instructions for requiring the employee to attempt again to provide adequate amount of saliva for testing [§40.263]?

P.05.b. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.05.c. Does the plan specify procedures concerning an employee's inability to provide an adequate amount of breath for testing in compliance with §40.265?

P.05.c. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.05.d. Does the plan specify under what conditions that an alcohol test shall be cancelled [§40.267 and §40.269]?

P.05.d. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

P.05.e. Does the plan specify procedures concerning the potential inability to complete an alcohol test and trying to successfully complete the test [§40.271]?

P.05.e. Inspection Results (type an X in exactly one cell below)		Inspection Notes
<input type="checkbox"/>	No Issue Identified	
<input type="checkbox"/>	Potential Issue Identified (explain)	
<input type="checkbox"/>	N/A (explain)	
<input type="checkbox"/>	Not Inspected	

Protocol Area P - Documents Reviewed			
Document Number	Rev	Date	Document Title

ENCLOSURE 6



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

1200 New Jersey Avenue, SE
Washington, DC 20590

VIA ELECTRONIC MAIL TO: martyn.willsher@amplifyenergy.com

Martyn Willsher
President and Chief Executive Officer
Amplify Energy Corp.
111 Ocean Boulevard, Suite 1240
Long Beach, CA 90802

CPF No. 5-2021-054-CAO

Dear Mr. Willsher:

Enclosed please find a Corrective Action Order (CAO) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), in the above-referenced case. It requires Beta Offshore (Respondent), a subsidiary of Amplify Energy Corp., to take certain corrective actions with respect to a rupture that occurred on the 16-inch San Pedro Bay Pipeline that failed offshore near the cities of Long Beach, and Huntington Beach, California.

Service of the CAO by electronic transmission is deemed complete upon transmission and acknowledgement of receipt, or as otherwise provided under 49 C.F.R. § 190.5. The terms and conditions of this Order are effective upon completion of service.

Sincerely,

ALAN
KRAMER
MAYBERRY
Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Digitally signed by
ALAN KRAMER
MAYBERRY
Date: 2021.10.04
22:12:24 -04'00'

Enclosure: CAO

cc: Ms. Linda Daugherty, Deputy Associate Administrator for Field Operations, OPS
Mr. Dustin Hubbard, Director, Western Region, OPS
Mr. Dan Steward, Vice President of Operations, Beta Offshore, via email at
dan.steward@amplifyenergy.com
Mr. Rick Armstrong, Pipeline & Marketing Manager, Beta Offshore, via email at
rick.armstrong@amplifyenergy.com

ENV085

)	
In the Matter of)	
)	
Beta Offshore,)	CPF No. 5-2021-054-CAO
a subsidiary of Amplify Energy, Corp.)	
)	
Respondent.)	
)	

ENV086

Department of Fish and Wildlife (CDFW), the Los Angeles County Sheriff's Department, and the Huntington Beach Police Department.

Pursuant to 49 U.S.C. § 60117, PHMSA, Office of Pipeline Safety (OPS) initiated an investigation of the Accident. The preliminary findings of PHMSA's ongoing investigation are outlined below.

Preliminary Findings

- At approximately 02:30 PDT (05:30 Eastern Daylight Time (EDT)) on October 2, 2021, Beta Offshore's control room personnel received a low-pressure alarm on the San Pedro Bay Pipeline, indicating a possible failure.
- Beta Offshore reported the San Pedro Bay Pipeline was shut down at approximately 06:01 PDT (09:01 EDT) on October 2, 2021—over three hours later.
- At 12:07 EDT on October 2, 2021 (NRC Report No. 1318463), over six hours after the initial alarm and three hours after the company shut down the pipeline, Beta Offshore reported the Accident to the National Response Center (NRC) indicating there was a release of crude oil in the vicinity of its pipeline near Platform Elly. The U.S. Coast Guard submitted a second NRC report at 16:41 EDT on October 3, 2021 (NRC Report No. 1318540), reporting oiled marine life and dead fish. The U.S. Coast Guard submitted a third NRC report at 17:20 EDT on October 3, 2021 (NRC Report No. 1318543), reporting that the failure may have been caused by a crack in the pipeline.
- Various state and federal agencies responded to the scene, including the U.S. Coast Guard, BSEE, NTSB, PHMSA, CDFW, and local law enforcement. Private oil spill response organizations under contract with Beta Offshore are also responding.
- An oil sheen can be observed in the San Pedro Bay, an inlet of the Pacific Ocean, for approximately 13 miles. Local beaches have been closed. On October 3, 2021, CDFW's Office of Environmental Health Hazard Assessment issued a Declaration of Fisheries Closure Due to a Public Health Threat Caused by an Oil Spill into Marine Waters.
- Clean-up operations are underway. The Wildlife Branch of CDFW's Office of Spill Prevention and Response deployed two Oiled Wildlife Care Network Recovery Teams to monitor the shoreline to recover affected wildlife. The Bolsa Chica Restored Wetlands and Talbert Marsh were boomed to protect the shoreline. Additionally, protection strategies were deployed at Anaheim Bay, Lower Newport Bay, and the Santa Ana River.
- The San Pedro Bay Pipeline is approximately 17 miles in length, beginning offshore at Platform Elly and traveling onshore to the Beta Pump Station in the City of Long Beach, California. The offshore portion of the pipeline is approximately 15 miles in length and the onshore portion is approximately 2 miles in length.

- The San Pedro Bay Pipeline traverses a High Consequence Area (HCA) as defined in 49 C.F.R. § 195.450 and an ecologically unusually sensitive area as defined in § 195.6.
- The exact failure location remains unknown. Preliminary reports indicate that the failure location may be approximately 5 miles offshore at a depth of approximately 98 feet.
- The pipeline was installed in 1980. It has a 16-inch nominal diameter with 0.500-inch wall thickness for the offshore portion and 0.375-inch wall thickness for the onshore portion. The pipeline consists of X-42 grade pipe, and has a double-submerged arc-welded longitudinal seam. The pipe coating type is concrete. The onshore portion is cathodically-protected and the offshore portion has sacrificial anodes on the pipeline.
- The pipeline remains shut down and the operator is in the process of recovering product in the pipeline.
- Prior to the rupture, the San Pedro Bay Pipeline was reported to be operating at approximately 300-400 psig. The maximum operating pressure (MOP) of the San Pedro Bay Pipeline is 1152 psig.
- The root cause of the Accident remains unconfirmed at this time. Preliminary reports indicate that the failure may have been caused by an anchor that hooked the pipeline, causing a partial tear.

Determination of Necessity for Corrective Action Order and Right to Hearing

Section 60112 of Title 49, United States Code, authorizes PHMSA to determine that a pipeline facility is or would be hazardous to life, property, or the environment and if there is a likelihood of serious harm, to expeditiously order the operator of the facility to take necessary corrective action, including suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other appropriate action. An order issued expeditiously must provide an opportunity for a hearing as soon as practicable after the order is issued.

In deciding whether to issue an order, PHMSA must consider the following, if relevant: (1) the characteristics of the pipe and other equipment used in the pipeline facility, including the age, manufacture, physical properties, and method of manufacturing, constructing, or assembling the equipment; (2) the nature of the material the pipeline facility transports, the corrosive and deteriorative qualities of the material, the sequence in which the material are transported, and the pressure required for transporting the material; (3) the aspects of the area in which the pipeline facility is located, including climatic and geologic conditions and soil characteristics; (4) the proximity of the area in which the hazardous liquid pipeline facility is located to environmentally sensitive areas; (5) the population density and population and growth patterns of the area in which

the pipeline facility is located; (6) any recommendation of the National Transportation Safety Board made under another law; and (7) other factors PHMSA may consider appropriate.

After evaluating the foregoing preliminary findings of fact, and having considered the characteristics of the pipeline, including its location offshore, the hazardous nature of the material (crude oil) transported, the uncertainty as to the root cause(s) of the Accident, the uncertainty of the failure location, the sensitive environmental areas in the vicinity of the pipeline, the ongoing impacts to marine and wildlife, and risk of additional, related accidents, I find that continued operation of the pipeline without corrective measures is or would be hazardous to life, property, or the environment, and that failure to issue this Order expeditiously would result in the likelihood of serious harm.

Accordingly, this Corrective Action Order mandating immediate corrective action is issued without prior notice and opportunity for a hearing. The terms and conditions of this Order are effective upon receipt.

Within 10 days of receipt of this Order, Respondent may request a hearing, to be held as soon as practicable, by notifying the Associate Administrator for Pipeline Safety in writing, with a copy to the Director, Western Region, PHMSA (Director). If a hearing is requested, it will be held in accordance with 49 C.F.R. § 190.211.

After receiving and analyzing additional data in the course of this investigation, PHMSA may identify other corrective measures that need to be taken. Respondent will be notified of any additional measures required and, if appropriate, PHMSA will consider amending this Order. To the extent consistent with safety, Respondent will be afforded notice and an opportunity for a hearing prior to the imposition of any additional corrective measures.

Required Corrective Actions

Definitions:

Affected Pipeline – The “*Affected Pipeline*” means Beta Offshore’s entire San Pedro Bay Pipeline, which is approximately 17 miles long, beginning offshore at Platform Elly and ending onshore at the Beta Pump Station.

Pursuant to 49 U.S.C. § 60112, I hereby order Beta Offshore to immediately take the following corrective actions:

1. ***Shutdown of the Affected Pipeline.*** The Affected Pipeline, as defined above, must remain shut in and may not be operated until authorized to be restarted by the Director in accordance with the terms of this Order.
2. ***Records Verification.*** Beta Offshore must verify the records for the *Affected Pipeline* that were used to establish the MOP. Beta Offshore must submit documentation of this record verification to the Director within 45 days of receipt of this Order.

3. ***Review of Prior Inline Inspection (ILI) Results.*** Within 180 days of receipt of this Order, Beta Offshore must conduct a review of any previous ILI results of the *Affected Pipeline*, including a review of the ILI vendors' raw data and analysis. Beta Offshore must determine whether any features were present near the failure site. In addition, Beta Offshore must determine if any features with similar characteristics are present elsewhere on the *Affected Pipeline*. Beta Offshore must submit documentation of this ILI review to the Director within 180 days of receipt of this Order as follows:
 - a. List all ILI tool runs, tool types, and the calendar years of the tool runs.
 - b. List, describe (type, size, wall loss, etc.), and identify the specific location of all ILI features present in the vicinity of the failure location.
 - c. List, describe (type, size, wall loss, etc.), and identify the specific location of all ILI features with similar characteristics present elsewhere on the *Affected Pipeline*.
 - d. Explain the process used to review the ILI results and the results of the reevaluation.
4. ***In-Line Assessment.*** Within 180 days of receipt of this Order, subject to the approval by the Director of its Restart Plan, Beta Offshore must conduct an ILI of the *Affected Pipeline* using a geometry tool, a high-resolution axial magnetic flux leakage (MFL) tool and a transverse MFL tool, and must follow all the applicable requirements set forth in 49 C.F.R. § 195.452.
5. ***Mechanical and Metallurgical Testing.*** Within 45 days of receipt of this Order, complete mechanical and metallurgical testing and failure analysis of the failed pipe, including an analysis of soil samples and any foreign materials. Complete the testing and analysis as follows:
 - a. Document the chain-of-custody when handling and transporting the failed pipe section and other evidence from the failure site.
 - b. Within 10 days of receipt of this Order, develop and submit the testing protocol and the proposed testing laboratory to the Director for prior approval.
 - c. Prior to beginning the mechanical and metallurgical testing, provide the Director with the scheduled date, time, and location of the testing to allow for an OPS representative to witness the testing.
 - d. Ensure the testing laboratory distributes all reports whether draft or final in their entirety to the Director at the same time they are made available to Beta Offshore.
6. ***Root Cause Failure Analysis (RCFA).*** Within 90 days following receipt of this Order, complete a root cause failure analysis (RCFA) and submit a final report of this RCFA to the Director. The RCFA must be supplemented/facilitated by an independent third-party acceptable to the Director and must document the decision-making process and all factors contributing to the failure. The final report must include findings and any lessons learned and whether the findings and any lessons learned are applicable to other locations within Beta Offshore's pipeline system.
7. ***Remedial Work Plan (RWP).***
 - a. Within 90 days following receipt of this Order, Beta Offshore must submit a remedial work plan (RWP) to the Director for approval.

- b. The Director may approve the RWP incrementally without approving the entire RWP.
- c. Once approved by the Director, the RWP will be incorporated by reference into this Order.
- d. The RWP must specify the tests, inspections, assessments, evaluations, and remedial measures Beta Offshore will use to verify the integrity of the *Affected Pipeline*. It must address all known or suspected factors and causes of the Accident. Beta Offshore must consider the risks and consequences of another failure to develop a prioritized schedule for RWP-related work along the *Affected Pipeline*.
- e. The RWP must include a procedure or process to:
 - i. Identify pipe in the *Affected Pipeline* with characteristics similar to the contributing factors identified for the Accident, including the age and manufacture of the entire length of the *Affected Pipeline*.
 - ii. Gather all data necessary to review the failure history (in service and pressure test failures) of the *Affected Pipeline* and to prepare a written report containing all the available information such as the locations, dates, and causes of leaks and failures.
 - iii. Integrate the results of the mechanical and metallurgical tests, root cause failure analysis, and other corrective actions required by this Order with all relevant pre-existing operational and assessment data for the *Affected Pipeline*. Pre-existing operational data includes, but is not limited to, design, construction, operations, maintenance, testing, repairs, prior metallurgical analyses, and any third-party consultation information. Pre-existing assessment data includes, but is not limited to, ILI tool runs, hydrostatic pressure testing, direct assessments, close interval surveys, and direct current voltage gradient (DCVG)/alternating current voltage gradient (ACVG) surveys.
 - iv. Determine if conditions similar to those contributing to the Accident are likely to exist elsewhere on the *Affected Pipeline*.
 - v. Conduct additional field tests, inspections, assessments, and evaluations to determine whether, and to what extent, the conditions associated with the Accident, and other failures from the failure history (see (e)(ii) above) or any other integrity threats are present elsewhere on the *Affected Pipeline*. At a minimum, this process must consider all failure causes and specify the use of one or more of the following:
 - 1) Hydrostatic pressure testing;
 - 2) Close-interval surveys;
 - 3) Cathodic protection survey;
 - 4) Coating surveys;
 - 5) Stress corrosion cracking surveys;
 - 6) Selective seam corrosion surveys; and
 - 7) Other tests, inspections, assessments, and evaluations appropriate for the

failure cause(s).

Note: Beta Offshore may use the results of previous tests, inspections, assessments, and evaluations if approved by the Director, provided the results of the tests, inspections, assessments, and evaluations are analyzed with regard to the factors known or suspected to have caused the Accident.

- vi. Describe the inspection and repair criteria Beta Offshore will use to prioritize, excavate, evaluate, and repair anomalies, imperfections, and other identified integrity threats. Include a description of how any defects will be graded and a schedule for repairs or replacement.
 - vii. Based on the known history and condition of the *Affected Pipeline*, describe the methods Beta Offshore will use to repair, replace, or take other corrective measures to remediate the conditions associated with the Accident and to address other known integrity threats along the *Affected Pipeline*. The repair, replacement, or other corrective measures must meet the criteria specified in (e)(vi) above.
 - viii. Implement continuing long-term periodic testing and integrity verification measures to ensure the ongoing safe operation of the *Affected Pipeline* considering the results of the analyses, inspections, evaluations, and corrective measures undertaken pursuant to the Order.
- f. The RWP must include a proposed schedule for completion of the RWP.
 - g. Beta Offshore must revise the RWP as necessary to incorporate new information obtained during the failure investigation and remedial activities, to incorporate the results of actions undertaken pursuant to this Order, and to incorporate modifications required by the Director.
 - i. Beta Offshore must submit any plan revisions to the Director for prior approval.
 - ii. The Director may approve plan revisions incrementally.
 - iii. All revisions to the RWP after it has been approved and incorporated by reference into this Order will be fully described and documented in the *CAO Documentation Report*.
 - h. Beta Offshore must implement the RWP as it is approved by the Director, including any revisions to the plan, prior to restart.
8. ***Emergency Response Plan and Training Review.*** Within 90 days following receipt of this Order, Beta Offshore must review and assess the effectiveness of its emergency response plan with regard to the Accident. Beta Offshore must include in the review and assessment the on-scene response and support, coordination, notification, and communication with emergency responders and public officials. Also, Beta Offshore must include a review and assessment of the effectiveness of its emergency training program. Beta Offshore must amend its emergency response plan and emergency training, if necessary, to reflect the results of this review, within 30 days of completion of the review. The documentation of this Emergency Response Plan and Training Review must be available for inspection by OPS or provided to the Director, if requested.
9. ***Public Awareness Program Review.*** Within 90 days following receipt of this Order,

Beta Offshore must review and assess the effectiveness of its Public Awareness Program with regards to the failure. Beta Offshore must amend its Public Awareness Program, if necessary, to reflect the results of this review within 30 days of completion of the review. The documentation of this Public Awareness Program Review must be available for inspection by OPS or provided to the Director, if requested.

10. **CAO Documentation Report (CDR).** Beta Offshore must create and revise, as necessary, a CAO Documentation Report (CDR). When Beta Offshore has concluded all the items in this Order, it will submit the final CDR in its entirety to the Director. This will allow the Director to complete a thorough review of all actions taken by Beta Offshore with regards to this Order prior to approving the closure of this Order. The intent is for the CDR to summarize all activities and documentation associated with this Order in one document.
 - a. The Director may approve the CDR incrementally without approving the entire CDR.
 - b. Once approved by the Director, the CDR will be incorporated by reference into this Order.
 - c. The CDR must include, but is not necessarily limited to, the following:
 - i. Table of Contents;
 - ii. Summary of the Accident and the response activities;
 - iii. Summary of pipe data, material properties and all prior assessments of the *Affected Pipeline*;
 - iv. Summary of all tests, inspections, assessments, evaluations, and analysis required by the Order;
 - v. Summary of the metallurgical testing as required by the Order;
 - vi. Summary of the RCFA with all root causes as required by the Order;
 - vii. Documentation of all actions taken by Beta Offshore to implement the RWP, the results of those actions, and the inspection and repair criteria used;
 - viii. Documentation of any revisions to the RWP including those necessary to incorporate the results of actions undertaken pursuant to this Order and whenever necessary to incorporate new information obtained during the failure investigation and remedial activities;
 - ix. Lessons learned while completing this Order;
 - x. A path forward describing specific actions Beta Offshore will take on its entire pipeline system as a result of the lessons learned from work on this Order; and
 - xi. Appendices (if required).
11. **Restart Plan.** No restart of the *Affected Pipeline* may occur, unless and until a written *Restart Plan* has been submitted and approval had been granted by the Director, and which is to be subject to the following:

- a. The Director may approve the *Restart Plan* incrementally without approving the entire plan, but the *Affected Pipeline* cannot resume operation until the *Restart Plan* is approved in its entirety.
 - b. Once approved by the Director, the *Restart Plan* will be incorporated by reference into this Order.
 - c. The *Restart Plan* must include an 8-hour hydrostatic test, to be held at a minimum of 1.25 times the MOP, after repairs are completed. Beta Offshore must report the results of the test to the Director.
 - d. The *Restart Plan* must provide for adequate patrolling of the *Affected Pipeline* during the restart process and must be subject to incremental pressure increases during start up, with each increment to be held for at least 2 hours.
 - e. The *Restart Plan* must provide for sufficient surveillance of the pipeline during each pressure increment to ensure that no leaks are present when operation of the line resumes.
 - f. The *Restart Plan* must specify a day-light restart and include advance communications with local emergency response officials and adjacent property owners, if any.
 - g. The *Restart Plan* must provide for a review of the *Affected Pipeline* for conditions similar to those of the failure including a review of construction, operating and maintenance (O&M) and integrity management records such as ILI results, hydrostatic tests, root cause failure analyses of any prior failures, aerial and ground patrols, corrosion, cathodic protection, excavations and pipe replacements. Beta Offshore must address any findings that require remedial measures to be implemented prior to restart.
 - h. The *Restart Plan* must also include documentation of the completion of all mandated actions, and a management of change plan to ensure that all procedural modifications are incorporated into Beta Offshore's O&M procedures manual.
12. ***Operating Pressure Restriction.*** In accordance with the terms of this Order, upon restart Beta Offshore must maintain no less than a twenty percent (20%) pressure reduction in the actual operating pressure along the entire length of the *Affected Pipeline* such that the operating pressure along the *Affected Pipeline* will not exceed eighty percent (80%) of the actual operating pressure in effect at the failure location immediately prior to the Accident.
- a. This pressure restriction is to remain in effect until written approval to increase the pressure or return the pipeline to its pre-failure operating pressure is obtained from the Director in accordance with the terms of this Order.
 - b. Within 15 days of receipt of this Order, Beta Offshore must provide the Director the actual operating pressure at the Beta Pump Station on the *Affected Pipeline* at the time of failure and the reduced pressure restriction set-points required by this Order.
 - c. This pressure restriction requires any relevant remote or local alarm limits, software programming set-points or control points, and mechanical over-pressure devices to be adjusted accordingly.

- d. When determining the pressure restriction set-points, Beta Offshore must take into account any in-line inspection (ILI) features or anomalies present in the *Affected Pipeline* to provide for continued safe operation while further corrective actions are completed.
 - e. Beta Offshore must review the pressure restriction monthly by analyzing the operating pressure data, taking into account any ILI features or anomalies present in the *Affected Pipeline*. Beta Offshore must immediately reduce the operating pressure further to maintain the safe operations of the *Affected Pipeline*, if warranted by the monthly review. Further, Beta Offshore must submit the results of the monthly review to the Director including, at a minimum, the current discharge set-points (including any additional pressure reductions), and any pressure exceedance at discharge set-points. Submittals may be made quarterly, in accordance with the terms of this Order.
13. ***Return to Service.*** Upon approval of the *Restart Plan*, Beta Offshore may return the *Affected Pipeline* to service according to the terms of the *Restart Plan*, but the operating pressure must not exceed the limit in accordance with the terms of this Order.
14. ***Removal of Pressure Restriction.***
- a. The Director may allow the removal or modification of the pressure restriction upon a written request from Beta Offshore demonstrating that restoring the pipeline to its pre-failure operating pressure is justified based on a reliable engineering analysis showing that the pressure increase is safe considering all known defects, anomalies, and operating parameters of the pipeline.
 - b. The Director may allow the temporary removal or modification of the pressure restrictions upon a written request from Beta Offshore demonstrating that temporary mitigative and preventive measures are implemented prior to and during the temporary removal or modification of the pressure restriction. The Director's determination will be based on available information, including the failure cause and provision of evidence that preventative and mitigative actions taken by the operator provide for the safe operation of the *Affected Pipeline* during the temporary removal or modification of the pressure restriction. Appeals to determinations of the Director in this regard will be decided by the Associate Administrator for Pipeline Safety.
15. ***Leakage Survey.*** Within 24 hours of returning the pipeline to service, Beta Offshore must perform an aerial survey (off-shore) and ground leakage survey (on-shore) of the *Affected Pipeline* Right-of-Way. If Beta Offshore identifies any leak indications, it must immediately shut down the *Affected Pipeline* and investigate all leak indications and remedy all leaks discovered prior to restart. Beta Offshore must submit documentation of this survey to the Director within 48 hours of a return to service.

Other Requirements:

16. ***Approvals.*** With respect to each submission that under this Order requires the approval of the Director, the Director may: (a) approve, in whole or part, the submission; (b) approve the submission on specified conditions; (c) modify the submission to cure any deficiencies; (d) disapprove in whole or in part, the submission, directing that Respondent

modify the submission, or (e) any combination of the above. In the event of approval, approval upon conditions, or modification by the Director, Respondent shall proceed to take all action required by the submission as approved or modified by the Director. If the Director disapproves all or any portion of the submission, Respondent must correct all deficiencies within the time specified by the Director and resubmit it for approval.

17. ***Extensions of Time.*** The Director may grant an extension of time for compliance with any of the terms of this Order upon a written request timely submitted demonstrating good cause for an extension.
18. ***Reporting.*** Submit quarterly reports to the Director that: (1) include all available data and results of the testing and evaluations required by this Order; and (2) describe the progress of the repairs or other remedial actions being undertaken. The first quarterly report is due on December 31, 2021. The Director may change the interval for the submission of these reports.
19. ***Documentation of the Costs.*** It is requested that Respondent maintain documentation of the costs associated with implementation of this Corrective Action Order. Include in each monthly report submitted, the to-date total costs associated with: (1) preparation and revision of procedures, studies and analyses; (2) physical changes to pipeline infrastructure, including repairs, replacements and other modifications; and (3) environmental remediation, if applicable.

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).

In your correspondence on this matter, please refer to “CPF No. 5-2021-054-CAO” and for each document you submit, please provide a copy in electronic format whenever possible. The actions required by this Order are in addition to and do not waive any requirements that apply to Respondent’s pipeline system under 49 C.F.R. Parts 190 through 199, under any other order issued to Respondent under authority of 49 U.S.C. Chapter 601, or under any other provision of Federal or State law. This Order does not preclude additional enforcement by PHMSA.

Respondent may appeal any decision of the Director to the Associate Administrator for Pipeline Safety. Decisions of the Associate Administrator shall be final.

Failure to comply with this Order may result in the assessment of civil penalties and in referral to the Attorney General for appropriate relief in United States District Court pursuant to 49 U.S.C. § 60120.

The terms and conditions of this Order are effective upon service in accordance with 49 C.F.R. § 190.5.

ALAN KRAMER MAYBERRY
Digitally signed by ALAN
KRAMER MAYBERRY
Date: 2021.10.04 22:13:11
-04'00'

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued

ENCLOSURE 7

Corrective Action Order Data Report

The purpose of this document is to provide PHC with the information it needs to draft a CAO and/or to amend or rescind a CAO. PHP's goal is to issue the initial CAO within two calendar days of the event that triggered the need for the CAO. PHP recognizes that certain information will not be available to meet the two-day goal, therefore we have placed a star (*) next to the information required to issue the initial CAO. PHP understands that the CAO may need to be amended or rescinded when additional information is obtained and analyzed.

The Region should retain a copy of this form and record additional information as it is obtained. The Region will recommend to the AA, Office of Pipeline Safety that the CAO be rescinded or amended once the additional information is obtained and analyzed, if required.

I. GENERAL INFORMATION

***CPF No.:** 5-2021-054-CAO

***Operator Name:** Beta Offshore (a subsidiary of Amplify Energy Corp.)

***OPID:** 32224

Operator's contact person(s): *[Person providing information to Region on this incident.]*

Name: Rick Armstrong

Title: Pipeline & Marketing Manager

Telephone: (562) 628-1534

Fax:

Email: rick.armstrong@amplifyenergy.com

***Operator's Executive Officer:**

*Name: Dan Steward

*Title: Vice President of Operations

*Mailing Address: 111 Ocean Boulevard, Suite 1240, Long Beach, CA 90802

Telephone: PH: 562-628-1539; Cell: (b) (6)

Fax:

Email: dan.steward@amplifyenergy.com

II. PRELIMINARY FINDINGS

***Date of Failure:** October 2, 2021

***Time of Failure:** 02:30 Pacific Standard Time (PST)

***NRC Report #1:** NRC Report No. 1318463, submitted by Beta Offshore

*NRC Report Date: October 2, 2021

*NRC Report Time: 12:07 Eastern Standard Time (EST)

*Fires, injuries, fatalities, or evacuations reported? No

***NRC Report #2:** NRC Report No. 1318540, submitted by the U.S. Coast Guard

*NRC Report Date: October 3, 2021

*NRC Report Time: 16:41 EST

*Fires, injuries, fatalities, or evacuations reported? No.

***NRC Report #3:** NRC Report No. 1318543, submitted by the U.S. Coast Guard

*NRC Report Date: October 3, 2021

*NRC Report Time: 17:20 EST

*Fires, injuries, fatalities, or evacuations reported? No.

***Description of failure:** *[Brief description of the events leading up to, during, and immediately after the failure. Use past tense and clearly differentiate facts from estimates.]*

At approximately 02:30 PST on October 2, 2021, the operator's control room personnel received a low-pressure alarm, indicating a possible failure. The company initiated the process for shutting down the pipeline. The operator implemented its Facility Response Plan (FRP) by mobilizing recovery vessels, diving crews, and launched containment booms and skimmers. Beta Offshore confirmed a failure of the San Pedro Bay Pipeline and the release of an initial, estimated volume of 700 barrels (BBLs) of crude oil. The failure occurred in San Pedro Bay, off the coast of California near the City of Long Beach in an ecologically unusual sensitive area as defined in 49 C.F.R. § 195.6. There were no reported injuries, fatalities, or evacuations. There are reports of oiled wildlife and dead marine life (fish). Nearby beaches are closed.

***Operator's initial response to control the discharge:**

Beta Offshore shut down the pipeline at approximately 06:01 PST and began to suction out product from both ends (Platform Elly and the shore). (The valves remain open to remove product, but the crude oil is shut off from the platform to the pipeline.) So far, approximately 80 BBLs have been recovered. The company has divers and a Remote Operated Vehicle (ROV) in the water to identify the exact location of the leak.

***Failure Site Information:**

*Mile Post, Station, or other pipeline system identifier of the failure location: Unknown, somewhere between Platform Elly and the shoreline

*State or Offshore BOEM Region: Pacific Ocean

*County/Parish or Offshore Area: San Pedro Bay, off the coast of California

Nearest city or town to failure site; approximate distance/direction to the town:

City of Long Beach

***Product discharged:**

*Product Type: Crude Oil

*Estimate of volume released: Approximately 700 BBLs (Operator estimates a maximum potential release of 3,440 BBLs. Beta Offshore's FRP lists a pipeline Worst Case Discharge (WCD) calculation of up to 12,456 BBLs (523,152 gallons) of crude oil.)

***Pipeline System:**

*Pipeline System Name: Beta Offshore Crude System - CA

*Pipeline System Description:

The pipeline system consists of four total pipelines transporting crude oil. The San Pedro Bay Pipeline is a 16" O.D. x 0.500" w.t. Grade X-42 pipeline originating offshore in the Pacific Outercontinental Shelf (OCS) on Platform Elly. The pipeline leaves Platform Elly and runs 15.2 miles offshore and then runs approximately 2.1 miles onshore to the Beta Pump Station with a maximum operating pressure (MOP) of 1152 psig. The other pipelines are three 10" O.D. 0.438" w.t. Grade X-35 delivery pipelines running from Beta Pump Station onshore to the THUMS manifold enclosure with a MOP of 740 psig. All three of these pipelines are approximately .15 miles. One of the ten inch segments (Line 1) from the pump station to THUMS manifold is idle (disconnected from the other pipeline segments) and filled with water. The system has one breakout tank and one pump station.

***Failed Pipeline:** *[Generally a sub-set of the pipeline system described above. It could, however, be the entire system especially for the smaller pipeline systems.]*

*Pipeline Name: San Pedro Bay Pipeline

*Unit Name & ID #: OO--BETA--OFS P/L from Elly to Shore / ID# 395

*Product(s) Transported: Crude Oil

Year(s) Pipeline Constructed: 1980

*Failed Pipeline Description:

The failure occurred at an unknown offshore location on Beta Offshore's San Pedro Bay Pipeline, a 16-inch pipeline transporting crude oil off the coast of California. The San Pedro Bay Pipeline is approximately 17 miles long, originating offshore at Platform Elly in San Pedro Bay and traveling across the OCS to the Beta Pump Station located onshore in the City of Long Beach, California.

***Failed Pipe:** *[Data from the actual joint of pipe that failed on the failed pipeline.]*

*Nominal Diameter: 16 inch

*Wall thickness: 0.500 inches (offshore portion) and 0.375 inches (onshore portion)

Grade: X-42

Coating: Concrete coating

Seam Type: Double-submerged arc-welded longitudinal seam

Manufacturer: Unknown at this time.

Year Manufactured: Unknown at this time.

Impressed current CP System: Yes for onshore portion. Offshore portion has sacrificial anodes on the pipeline.

***Failed Component:** N/A

***Failed Pipe Pressure Data:** Unknown at this time. The normal operating pressure is 300-1045 PSI with a 1152 PSI MOP.

When was MAOP/MOP established? 1980

How was the MAOP/MOP established? Hydrostatic Test

*Operating pressure at the time of failure: 300-400 psig

***Current Status of Failed Pipeline:**

*Shut-in: Yes (valves remain open to suction product)

III. HAZARDOUS CONDITIONS

***Preliminary Investigation - Probable Cause:** Unknown at this time.

***Hazards to Life, Property, or the Environment along the Failed Pipeline:**

*Life and property: Local beaches and fisheries ordered closed. Local health officials warned residents to be aware of dizziness, headaches, and other side effects that exposure to an oil spill can cause.

*Environment: Although the damage to wildlife is still emerging, there are injured and deceased marine life and wildlife, including dead birds and fish. One oiled duck has been recovered. The oil sheen from the failure is approximately 13 miles in length, and the failure location remains unknown.

***Risks or Threats to the Continued Operation of the Failed Pipeline:**

*Life and property: See above.

*Environment: See above. Beta Offshore has yet to identify the failure location.

***Previous History of Significant Releases from the Failed Pipeline:** None.

Prior Assessments of the Failed Pipeline: The San Pedro Bay Pipeline was assessed via in-line inspection in 2019 with no actionable anomalies reported.

NTSB Recommendations: Unknown at this time.

Alert Notices/Advisory Bulletins, FAQs: Unknown at this time.

Other Relevant Information: Map below

