



Friday, March 14, 2014

Mr. David Ferguson
Damage Prevention
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967

RE: Comments on Informal Chapter 18 Rulemaking

Dear David:

On behalf of NuStar Logistics, L.P. (NuStar), I would like to thank you for the opportunity to provide informal comments on the proposed amendments to 16 TAC Chapter 18 relating to Underground Pipeline Damage Prevention. NuStar is a hazardous liquid pipeline operator with both intrastate and interstate mileage in the state of Texas. We are members of the Texas Pipeline Safety Coalition (TPSC) and are supportive of the comments provided through that effort with one notable exception (see below). NuStar actively participated in the Coalition's review of the draft and is encouraged by the efforts that our industry and our regulatory partners are taking toward building stronger damage prevention regulations.

The following item is respectfully submitted for consideration:

- 18.1(d)(2): The current provisions in Ch 18 and TUC 251 are uniform and simple to interpret with respect to one call notification requirements. If the draft rule 18.1(d)(2) were published as written, it would create unintended complications for excavators who dig near both intrastate and interstate pipelines (0" vs 16" respectively). The situation is compounded with the additional provisions for non-mechanized excavation (12"). NuStar proposes that the language in Chapter 18 continue to remain in line with TUC 251 to simplify implementation universally. Pipeline Operators are obligated to educate excavators on the one call law. The current draft rule as written complicates the facilitation and interpretation of the requirements by all stakeholders in the state of Texas.

I appreciate your consideration of the comments listed above and those referenced in the TPSC submission. Should you have any questions, feel free to contact me at 361-249-9403.

Sincerely,

A handwritten signature in blue ink that reads "Mark Arguelles". The signature is written in a cursive, flowing style.

Mark Arguelles
SR HSE Manager