



08-04-09P03:13 RCVD

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July 30, 2009

Chris Hoidal  
Director, Western Region  
US Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
12300 W. Dakota Avenue, Suite 110  
Lakewood, Colorado 80228

**RE: BREITBURN CPF 5-2009-0008; Request for Elimination / Reduction in Proposed Civil Penalty**

Dear Mr. Hoidal:

BreitBurn is requesting an elimination or reduction in the proposed civil penalty of the above-referenced matter for our West Pico gas gathering pipeline facilities in Los Angeles, California. BreitBurn has reviewed the Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order, CPF 5-2009-0008 sent to us on January 9, 2009 in regards to an inspection conducted at our Pico gas gathering facility on June 18-19, 2008. After thorough review, BreitBurn Energy Company wishes to offer the following information which we hope will provide PHMSA with the information necessary to eliminate or greatly reduce the proposed civil penalty.

Change to Gathering Line Definition Resulting in Class B Designation

PHMSA's 2006 change in the definition to "onshore gathering lines" changed the status of BreitBurn's West Pico gas gathering line. The entire gathering system has historically been classified as a regulated gathering line to due its proximity to a populated area. However, it has been determined that the pipeline operates at less than 20% SMYS. Therefore, under the new definition this pipeline is classified as a Type B gathering line and has to comply with the six (6) requirements of 192.9. Note that current records provide the documentation to show that 81% of the pipeline operates at less than 80% SMYS. We are conducting testing on the remaining 19% and preliminary results suggest that the remaining 19% of pipe is also of a quality showing operation at less than 80% SMYS. The final metallurgy results should be available by the end of this week and will be available for review upon request.

Discussion of Each Violation:

1. § 192.625 Odorization of Gas

(f) (2) Conducting periodic “sniff” tests at the extremities of the system to confirm that the gas contains odorant.

**BreitBurn Response:** Since the pipeline operates at less than 20% SMYS, this line only has to comply with the six (6) requirements of 192.9, which it meets. We therefore request an elimination or reduction in the proposed civil penalty.

2. § 192.706 Transmission Lines, Leakage Survey

(b) In class 4 locations, at intervals not exceeding 4 ½ months, but at least four times each calendar year

**BreitBurn Response:** Since the pipeline operates less than 20% SMYS, this line only has to comply with the six (6) requirements of 192.9, which it meets. We therefore request an elimination or reduction in the proposed civil penalty.

Additionally it is our understanding that quarterly leakage surveys would not be required because § 192.706 states that: “Leakage surveys of a transmission line must be conducted at intervals not exceeding 15 months, but at least once each calendar year. However, in the case of a transmission line which transports gas in conformity with § 192.625 *without an odor or odorant*, leakage surveys using leak detector equipment must be conducted... (b) In Class 4 locations at intervals not exceeding 4 ½ months, but at least four times each calendar year.”

Because BreitBurn does in fact odorize its gas and did provide the inspector with documentation of odorization, it is our understanding that the proper interval for leakage surveys is annual rather than quarterly. Also, it should be noted that we have a gas sensor in place detecting any gas that might leak between pipeline and casing, which serves to provide fulltime leak detection.

3. § 192.706 Valve maintenance: Transmission Lines

(a) Each transmission line valve that might be required during any emergency must be inspected and partially operated at intervals not exceeding 15 months, but at least once each calendar year.

**BreitBurn Response:** Since the pipeline operates less than 20% SMYS, this line only has to comply with the six (6) requirements of 192.9 and it does. We therefore request an elimination or reduction in the proposed civil penalty.

We also request that, in conformance with the "Assessment Considerations" listed in 49 CFR §190.225, you will note that there were no adverse environmental consequences, incidents or accidents involved in this line, that BreitBurn generally has a good compliance record (two prior deficiencies 1998 and 2002), and that BreitBurn continues to strive toward being a good operator in good faith and in cooperation with your agencies as well as all other agencies that govern our operations.

We will continue to operate in a prudent manner, and where possible or feasible, will apply standards beyond the minimum required by regulation in acknowledgement of our location and operations. Thank you for your time and consideration in addressing this matter.

Sincerely,



Martha Brock  
EH&S Manager