

**JUNE 21, 2013**

Mr. Steve Pankhurst, President  
BP Pipelines (North America), Inc.  
150 West Warrenville Road  
Naperville, IL 60563

**Re: CPF No. 2-2013-5002**

Dear Mr. Pankhurst:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and assesses a civil penalty of \$10,300. This is to acknowledge receipt of payment of the full penalty amount, by wire transfer, dated March 1, 2013. This enforcement action is now closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese  
Associate Administrator  
for Pipeline Safety

Enclosure

cc: Wayne T. Lemoi, Southern Region Director, OPS  
Mr. Alan Mayberry, Deputy Associate Administrator for Field Operations, OPS

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, D.C. 20590**

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<b>In the Matter of</b>	)	
	)	
<b>Tri-States NGL Pipeline, LLC,</b>	)	<b>CPF No. 2-2013-5002</b>
	)	
<b>Respondent.</b>	)	
	)	

**FINAL ORDER**

On June 18-22, 2012, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the procedures and records of Tri-States NGL Pipeline, LLC (Tri-States or Respondent) in Moss Point, Mississippi, and pipeline facilities in Alabama, Mississippi, and Louisiana. Tri-States pipeline, extending approximately 169 miles from Mobile, Alabama to Kenner, Louisiana, is operated by BP Pipelines (North America), Inc.<sup>1</sup>

As a result of the inspection, the Director, Southern Region, OPS (Director), issued to Respondent, by letter dated January 31, 2013, a Notice of Probable Violation and Proposed Civil Penalty (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Tri-States had violated 49 C.F.R. § 195.412(b) and proposed assessing a civil penalty of \$10,300 for the alleged violation.

Tri-States responded to the Notice by letter dated February 22, 2013 (Response). The company did not contest the allegation of violation and paid the proposed civil penalty of \$10,300, as provided in 49 C.F.R. § 190.227. Payment of the penalty serves to close the case with prejudice to Respondent.

**FINDING OF VIOLATION**

In its Response, Tri-States did not contest the allegation in the Notice that it violated 49 C.F.R. Part 195 as follows:

**Item 1:** The Notice alleged that Respondent violated 49 C.F.R. § 195.412(b), which states:

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<sup>1</sup> [http://www.bppipelines.com/asset\\_tristate.html](http://www.bppipelines.com/asset_tristate.html) (last accessed June 20, 2013).

**§ 195.412 Inspection of rights-of-way and crossings under navigable waters.**

(a) ...

(b) Except for offshore pipelines, each operator shall, at intervals not exceeding 5 years, inspect each crossing under a navigable waterway to determine the condition of the crossing.

The Notice alleged that Respondent violated 49 C.F.R. § 195.412(b) by failing to inspect each crossing under a navigable waterway to determine the condition of the crossing at intervals not exceeding 5 years. Specifically, the Notice alleged that the inspection of three crossings under navigable waterways exceeded the 5 year interval required by regulation. Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.412(b) by failing to inspect each crossing under a navigable waterway to determine the condition of the crossing at intervals not exceeding 5 years.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

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

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Jeffrey D. Wiese  
Associate Administrator  
for Pipeline Safety

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Date Issued