



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

DEC - 3 2002

Mr. Robert T. Cronk  
Vice President of Technical Services  
Williams Energy Services  
Williams South One Building  
1800 South Baltimore Avenue  
Tulsa, OK 74119

Re: CPF No. 4-2002-2001

Dear Mr. Cronk:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation and assesses a civil penalty of \$30,000. The penalty payment terms are set forth in the Final Order. This enforcement action closes automatically upon payment. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

Gwendolyn M. Hill  
Pipeline Compliance Registry  
Office of Pipeline Safety

Enclosure

cc: Joe Freisberg  
Senior Compliance Coordinator  
Williams Energy Services  
P.O. Box 21628  
Tulsa, OK 74121

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEPARTMENT OF TRANSPORTATION  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, DC 20590

\_\_\_\_\_  
In the Matter of )  
 )  
Williams Field Services, )  
 )  
Respondent. )  
\_\_\_\_\_ )

CPF No. 4-2002-2001

FINAL ORDER

On September 17 and 18, 2001, pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS) conducted an on-site pipeline safety inspection of Respondent's Black Marlin pipeline system facilities and records in Galveston County, Texas and the Gulf of Mexico. As a result of the inspection, the Director, Southwest Region, OPS, issued to Respondent, by letter dated April 18, 2002, a Notice of Probable Violation and Proposed Civil Penalty (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent violated 49 C.F.R. § 192.201(a)(2)(i) and proposed assessing a civil penalty of \$30,000 for the alleged violation.

Respondent responded to the Notice by letter dated May 17, 2002 (Response). Respondent did not contest the allegation of violation, provided information concerning the corrective actions it has taken, and stated that it intended to pay the proposed civil penalty. Respondent did not request a hearing, consequently Respondent has waived its right to one.

FINDING OF VIOLATION

In its Response, Respondent did not contest the alleged violation in the Notice. Accordingly, I find that Respondent violated the following section of 49 C.F.R. Part 192, as more fully described in the Notice:

49 C.F.R. § 192.201(a)(2)(i) -- failing to set pressure limiting devices properly to ensure that Respondent's Black Marlin pipeline pressure could not exceed its maximum allowable operating pressure ("MAOP") plus 10 percent.

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

### ASSESSMENT OF PENALTY

Under 49 U.S.C. § 60122, Respondent is subject to a civil penalty not to exceed \$25,000 per violation for each day of the violation up to a maximum of \$500,000 for any related series of violations.

49 U.S.C. § 60122 and 49 C.F.R. § 190.225 require that, in determining the amount of the civil penalty, I consider the following criteria: nature, circumstances, and gravity of the violation, degree of Respondent's culpability, history of Respondent's prior offenses, Respondent's ability to pay the penalty, good faith by Respondent in attempting to achieve compliance, the effect on Respondent's ability to continue in business, and such other matters as justice may require.

The Notice proposed a total civil penalty of \$30,000 for Respondent's violation of § 192.201(a)(2)(i), failure to properly set its emergency shut-down devices at three separate locations. Excessive pressure can cause pipeline failures and the subsequent release of natural gas into the environment. This is of particular concern because the subject pipeline is situated in a Class 3 location, making the release of natural gas a serious hazard to the public. In its Response, Respondent described the prompt corrective action it has taken and agreed to pay the proposed civil penalty. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a total civil penalty of \$30,000.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require this payment be made by wire transfer, through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMZ-120), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25770, Oklahoma City, OK 73125; (405) 954-4719.

Failure to pay the \$30,000 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a United States District Court.

Under 49 C.F.R. § 190.215, Respondent has the right to petition for reconsideration of this Final Order. However, if the civil penalty is paid, the case closes automatically and Respondent waives the right to petition for reconsideration. The filing of the petition automatically stays the payment

of any civil penalty assessed. The petition must be received within 20 days of Respondent's receipt of this Final Order and must contain a brief statement of the issue(s). The terms and conditions of this Final Order are effective on receipt.



Stacey Gerard

*in* Associate Administrator  
for Pipeline Safety

DEC - 3 2002

---

Date Issued