U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

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

DEC - 1 2006

Mr. Jim Lamanna
President
BP Pipelines (North America) Inc.
28100 Torch Parkway
Warrenville, Illinois 60555-3938

RE: CPF No. 2-2000-5012

Dear Mr. Lamanna:

Enclosed is the Final Order issued by the Acting Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation and assesses a civil penalty of $5,000. I acknowledge receipt of, and accept BP Pipelines' payment on May 7, 2001 in the amount of $5,000 as payment in full of the civil penalty assessed in the Final Order. This case is now closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. §190.5.

Sincerely,

James Reynolds
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

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

In the Matter of	)	
	)	
BP PIPELINES,	)	**CPF No. 2-2000-5012**
	)	
Respondent.	)	

FINAL ORDER

On October 25, 2000, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA),[1] Southern Region, Office of Pipeline Safety (OPS) initiated an investigation of Respondent's report of an accident involving its pipeline system. On October 22, 2000 at 3:52 p.m. EST, Respondent experienced a release of 60 barrels of low sulfur diesel fuel, due to back pressure surge, causing the pump to lift off the concrete base and separate from the pipe. Respondent did not provide timely telephonic notification to the National Response Center (NRC) of the accident that occurred in Collins, Mississippi. As a result of the investigation, the Director, Southern Region, OPS, issued to Respondent, by letter dated November 6, 2000, 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 had violated 49 C.F.R. §§ 195.50 and 195.52 and proposed assessing a civil penalty of $5,000 for the alleged violation.

Respondent failed to respond within 30 days after it had received the Notice. Respondent's failure to respond constitutes a waiver of Respondent's right to contest the allegations in the Notice and authorizes the entry of this Final Order.

FINDINGS OF VIOLATION

Uncontested

Respondent did not contest the alleged violation of §§ 195.50 and 195.52 in **Item 1** of the Notice.

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1 This case, however, is no longer before RSPA for decision. Effective February 20, 2005, the Pipeline and Hazardous Materials Safety Administration (PHMSA) was created to further the highest degree of safety in pipeline transportation and hazardous materials transportation. See, section 108 of the Norman Y. Mineta Research and Special Programs Improvement Act (Public Law 108-426, 118 Stat. 2423-2429 (November 30, 2004)). See also, 70 Fed. Reg. 8299 (February 18, 2005) redelegating the pipeline safety functions to the Administrator, PHMSA.

Accordingly, I find that Respondent violated 49 C.F.R. Part 192, as more fully described in the Notice:

> 49 C.F.R. §195.50 - failure to provide an accident report for each failure in a pipeline system subject to 49 C.F.R. Part 195 in which there is a release of the hazardous liquid or carbon dioxide transported resulting in the loss of 50 or more barrels of liquid or carbon dioxide. Respondent released 60 barrels of low sulfur diesel fuel.
>
> 49 C.F.R. §195.52 - failure to give telephonic notification to the National Response Center (NRC), at the earliest practicable moment, following discovery of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in §195.50. Respondent did not notify the NRC until 3 days after the accident.

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. The Notice proposed assessing a penalty of $5,000 for violation of 49 C.F.R. §§ 195.50 and 195.52.

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.

Respondent did not contest the alleged violation. Respondent has not shown any circumstance that justifies its failure to provide an accident report and failure to report to the NRC in a timely manner. OPS's ability to consider the need for corrective action and/or mitigate potential safety problems is severely hampered by untimely telephonic notification of an incident. Respondent did not notify the NRC until October 25, 2000, 3 days after the accident occurred. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of $5,000, already paid by Respondent.

The terms and conditions of this Final Order are effective upon receipt.

Theodore L. Willke
Acting Associate Administrator
for Pipeline Safety

DEC - 1 2006

Date Issued