



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

NOV 28 2005

Mr. Larry Clynch, CEO
TPM, Inc.
P. O. Box 486
Alpharetta, GA 30009-0486

RE: CPF No. 2-2005-6009

Dear Mr. Clynch:

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 finds that you have completed the actions specified in the Notice required to comply with the pipeline safety regulations. 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

cc: Ms. Linda Daugherty, Director, Southern Region, OPS

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

Terminal Pipeline Management (TPM), INC.,

Respondent.

CPF No. 2-2005-6009

FINAL ORDER

On November 30 - December 3, 2004, pursuant to 49 U.S.C. § 60117, representatives of the Office of Pipeline Safety (OPS), Southern Region, conducted an inspection of Respondent's Lucy-Woodstock pipeline facilities and records in Tennessee. As a result of the inspection, the Director, Southern Region, OPS, issued to Respondent, by letter dated May 11, 2005, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. Part 195 and proposed that Respondent take certain measures to correct the alleged violations.

Respondent responded to the Notice by letter dated, July 5, 2005 (Response). Respondent did not contest the allegations of violation but offered an explanation. 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. Respondent did not request a hearing, and therefore has waived its right to one.

FINDINGS OF VIOLATION

(Uncontested)

In its Response, Respondent did not contest the alleged violations in the Notice. Accordingly, I find that Respondent violated the following sections of 49 C.F.R. Part 195, as more fully described in the Notice:

49 C.F.R. § 195.442(a) -- failure to have a written damage prevention program or procedures to prevent damage to buried pipelines from excavation activities, as no documentation was provided at the time of the inspection.

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

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to **Item 1** for violation of 49 C.F.R. § 195.442 (a). Under 49 U.S.C. § 60118(a), each person who engages in the transportation of hazardous liquids or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. The Regional Director has indicated that the Respondent has taken the following actions specified in the proposed compliance order:

Respondent submitted a copy of a "Pipeline Leak and Inspection Report" for exposed pipe at the Loosahatchie River.

Accordingly, since compliance has been achieved with respect to this violation, the compliance terms are not included in this Order.

WARNING ITEMS

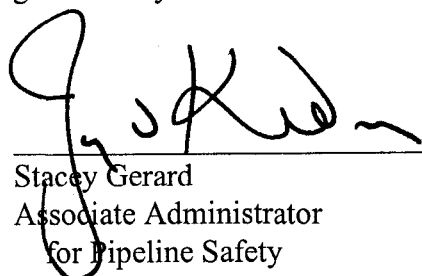
The Notice did not propose a civil penalty or corrective action for **Items 2 and 3** in the Notice; therefore, these are considered warning items. Respondent is warned that if it does not take appropriate action to correct these items, enforcement action will be taken if a subsequent inspection reveals a violation. The warnings were for -

49 C.F.R. § 195.402(a) -- failure to demonstrate that it periodically reviews the work done by its personnel to determine the effectiveness and adequacy of the procedures used in normal operations and maintenance.

49 C.F.R. § 195.569 --failure to examine the exposed portion of buried pipe for evidence of external corrosion, as Respondent exposed buried pipe when tying in a new river crossing in 2003 but had no records to show that the buried pipe had been examined for external corrosion at the time of the inspection.

Failure to comply with this Final Order may result in the assessment of civil penalties of up to \$100,000 per violation per day, or in the referral of the case for judicial enforcement.

Under 49 C.F.R. § 190.215, Respondent has a right to submit a Petition for Reconsideration of this Final Order. 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 of the order, including any required corrective action, remain in full effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective on receipt.



Stacey Gerard
Associate Administrator
for Pipeline Safety

NOV 28 2005

Date Issued

for