

## WARNING LETTER

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 5, 2010

Robert Rose  
President  
Tampa Pipeline Corporation  
P.O. Box 35236  
Sarasota, Florida 34242

**CPF 2-2010-6003W**

Dear Mr. Rose,

On December 8-12, 2009, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected your Pipelines of Puerto Rico procedures, records and pipeline facilities in Guaynabo, Puerto Rico.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violations are:

**1. §195.428 Overpressure safety devices and overfill protection systems**

**(a) Except as provided in paragraph (b) of this section, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, or in the case of pipelines used to carry highly volatile liquids, at intervals not to exceed 7½ months, but at least twice each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.**

Based on the review of the Pipelines of Puerto Rico (PLPR) overpressure protection inspection record, *6" Pipeline System Inspection Report Safety Relief Devices*, it appears the suction and discharge pressure switches for Pump #1 had not been inspected annually from calendar-year (CY) 2004 through the end of CY 2006, as required. Review of a certified letter from PLPR to PHMSA Southern Region, dated March 25, 2010. *Re: Overpressure Safety Devices and Overfill Protection Systems*, indicated Pump #1 had been out of service from 2/9/2004 to

6/26/2006 and again from 9/2006 to 12/7/2006. This letter stated the previous owner failed to either perform or document the inspection of these devices prior to placing the pump back into service for the period between 6/26/2006 and 9/2006.

Additionally, the same overpressure protection inspection record indicated Pump #2 suction and discharge switches were not inspected in CY 2007. The inspections preceding and subsequent to CY 2007 were on 11/13/2006 and 3/16/2008, respectively.

**2. §195.49 Annual report**

**Beginning no later than June 15, 2005, each operator must annually complete and submit DOT form RSPA F 7000-1.1 for each type of hazardous liquid pipeline facility operated at the end of the previous year. A separate report is required for crude oil, HVL (including anhydrous ammonia), petroleum products, and carbon dioxide pipelines. Operators are encouraged, but not required, to file an annual report by June 15, 2004, for calendar year 2003.**

Our review of the Online Data Entry System (ODES) prior to this standard inspection revealed the CY 2008 Annual Report for Pipelines of Puerto Rico had not been filed. According to ODES, the most Annual Report for CY 2008 was filed on March 9, 2010 (#20090047).

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the item(s) identified in this letter. Failure to do so will result in Pipelines of Puerto Rico being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 2-2010-6003W**. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Sincerely,

Linda Daugherty  
Director, Southern Region  
Pipeline and Hazardous Materials Safety Administration