

## WARNING LETTER

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 8, 2012

Mr. Robert L. Rose  
President  
Tampa Airport Pipeline Corporation  
P.O. Box 35236  
Sarasota, FL 34242

**CPF 2-2012-6001W**

Dear Mr. Rose:

On November 7-10, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) inspected the Tampa Airport Pipeline Corporation (TAPC) pipeline and facilities in the Tampa, Florida area pursuant to Chapter 601 of 49 United States Code.

As a result of the inspection, it appears that TAPC has committed a probable violation of the Pipeline Safety Regulations codified in Title 49 of the Code of Federal Regulations. The item inspected and the probable violation is as follows:

- 1. § 194.7 Operating restrictions and interim operating authorization.**
  - (b) An operator must operate its onshore pipeline facilities in accordance with the applicable response plan.**

TAPC did not operate its onshore pipeline facilities in accordance with the applicable response plan, i.e. its Integrated Contingency Plan.

TAPC's Integrated Contingency Plan, Paragraph 5.6.3.3 HAZWOPER Training states, "*Training to meet the requirements of 29 CFR 1910.120 is provided to all employees who are expected to respond to emergencies.*" Yet, TAPC did not provide any documentation to show that it had trained its personnel who would respond to emergencies to the meet the requirements of 29 CFR 1910.120.

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 identified in this letter. Failure to do so will result in Tampa Airport Pipeline Corporation 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 2-2012-6001W**. 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,

Wayne T. Lemoi  
Director, Office of Pipeline Safety  
PHMSA Southern Region