

AUG 04 2010

Mr. Bill Greene
Senior Vice President, Operations
NOVA Chemicals, Inc.
1555 Coraopolis Heights Road
Moon Township, PA 15108

Re: CPF No. 3-2008-5015

Dear Mr. Greene:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and assesses a civil penalty of \$5,000. This is to acknowledge receipt of payment of the full penalty amount, by wire transfer, dated January 15, 2009. This enforcement action is now closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. David Barrett, Director, Central Region, PHMSA

CERTIFIED MAIL – RETURN RECEIPT REQUESTED [7005 1160 0001 0039 0621]

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

_____)	
In the Matter of)	
)	
NOVA Chemicals, Inc.,)	CPF No. 3-2008-5015
)	
Respondent.)	
_____)	

FINAL ORDER

On April 29-30, 2008, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of NOVA Chemicals, Inc. (NOVA or Respondent), in Marysville, Michigan. NOVA, a subsidiary of NOVA Chemicals (Canada) Ltd., is a large chemicals and plastics manufacturer and operates three parallel 3.6-mile pipelines that carry highly volatile refined liquids from Marysville, Michigan, to the NOVA petrochemical complex in Corunna, Ontario.

As a result of the inspection, the Director, Central Region, OPS (Director), issued to Respondent, by letter dated December 22, 2008, a Notice of Probable Violation and Proposed Civil Penalty (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that NOVA had violated 49 C.F.R. § 195.509(a) and proposed assessing a civil penalty of \$5,000 for the alleged violation.

NOVA responded to the Notice by letter dated January 19, 2009 (Response). The company did not contest the allegation of violation and paid the proposed civil penalty of \$5,000, as provided in 49 C.F.R. § 190.227. Payment of the penalty serves to close the case with prejudice to Respondent.

FINDING OF VIOLATION

In its Response, NOVA did not contest the allegation in the Notice that it violated 49 C.F.R. Part 195, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 195.509(a), which state in relevant part:

§ 195.509 General.

(a) Operators must have a written qualification program by April 27, 2001. . . .

The Notice alleged that Respondent violated 49 C.F.R. § 195.509(a) by failing to have a written operator qualification program by April 27, 2001. Although NOVA has been operating the pipeline facility at Marysville, Michigan, since 1987, it did not have a written qualification program until November 2006.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.509(a) by failing to have a written qualification program by April 27, 2001.

Having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of \$5,000, which amount has already been paid by Respondent.

The terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued