



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

NOV 30 2001

Mr. Paul Bulla  
Vice-President  
Gas Recovery Systems, Inc.  
Formerly known as Browning-Ferris Gas Services, Inc.  
1153 Oak Valley Drive, Suite 3  
Ann Arbor, MI 48108

RE: CPF No. 38127

Dear Mr. Bulla:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violation and finds that Brown-Ferris Gas Services has 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: Mr. David Pietle, Director Environmental, Safety and Health  
Mr. Ivan Huntoon, Director, Central Region, OPS  
Mr. Ed Steele, Public Utilities Commission of Ohio

CERTIFIED MAIL RETURN RECEIPT REQUESTED

**DEPARTMENT OF TRANSPORTATION  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, DC 20590**

**In the Matter of** |

**BROWNING-FERRIS GAS SERVICES, INC.** |

**Respondent.** |

**CPF No. 38127**

**FINAL ORDER**

On April 8, 1997, pursuant to 49 U.S.C. § 60117, representatives of the Public Utilities Commission of Ohio (PUCO), as agent for the Office of Pipeline Safety (OPS) conducted an on-site pipeline safety inspection of Brown-Ferris Gas Services' facilities and records in Erie, Michigan and Ohio. Brown-Ferris Gas Services is now Gas Recovery Systems, Inc. As a result of the inspection, the Director, Central Region, OPS, issued to Respondent, by letter dated November 23, 1998, 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 committed violations of 49 C.F.R. Parts 192 and 199 and proposed that Respondent take certain measures to correct the alleged violations.

Respondent requested and was granted an extension of time to respond. Respondent submitted a response to the Notice by letter dated May 25, 1999 (Response). Respondent did not contest the allegations of violation but offered information to explain the allegations and provided information concerning the corrective actions it has taken. Respondent did not request a hearing, and therefore has waived the right to one.

**FINDINGS OF VIOLATION**

Respondent did not contest the alleged violations of in the Notice. Accordingly, I find that Respondent violated 49 C.F.R. Part 192 and 199, as more fully described in the Notice:

49 C.F.R. § 192.453 – failing to have a person qualified by experience and training in pipeline corrosion control methods to carry out the requirements of Subpart I.

49 C.F.R. § 192.491 – failing to maintain maps or records of each test, survey or inspection as required by this subpart, in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist.

49 C.F.R. § 192.605(a) – failing to establish written operating and maintenance plans meeting the requirements of this part and keep records necessary to administer the plan.

49 C.F.R. § 192.615 – failing to establish written procedures to minimize the hazard resulting from a gas pipeline emergency; failing to establish and maintain a liaison with appropriate fire, police, and other public officials to ensure an effective response to an emergency; and failing to ensure that all employees with emergency response duties are adequately trained.

49 C.F.R. § 199.7(a) – failing to maintain and follow a written anti-drug plan that conforms to the requirements set out in 49 CFR Part 199 and 49 CFR Part 40.

49 C.F.R. § 199.202 – failing to maintain and follow a written alcohol misuse plan that conforms to the requirements of 49 CFR Part 199 and 49 CFR Part 40.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

### **COMPLIANCE ORDER**

The Notice proposed a compliance order with respect to Items 1, 2, 3, 4, 5, and 6 in the Notice for violations of 49 C.F.R. Part 192 and 199. Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas 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 Respondent has taken the following actions specified in the proposed compliance order:

1. Established procedures to satisfy the requirements of 49 C.F.R. § 192.453 and employed a person qualified by experience and training in pipeline corrosion methods to carry out the requirements of Subpart I.

Developed and maintains maps or records of each test, survey or inspection in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist, as required by § 192.491.

Established written operating and maintenance plans and maintains records necessary to administer the plan, as required § 192.605, which includes installation of pipeline markers at road crossings and railroad crossings for the length of the pipeline, conduct and maintain records of leak surveys at least once each calendar year and conduct patrols for the length of the pipeline and maintain patrol records.

Established written procedures to minimize the hazard resulting from a gas pipeline emergency; established and maintain a liaison with appropriate fire, police, and other public officials to ensure an effective response to an emergency; and installed measures to ensure that all employees with emergency response duties are adequately trained.

5. Maintains and follows a written anti-drug plan that conforms to the requirements set out in 49 CFR Part 199 and 49 CFR Part 40.
6. Maintains and follows a written alcohol misuse plan that conforms to the requirements of 49 CFR Part 199 and 49 CFR Part 40.

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

Under 49 C.F.R. § 190.215, Respondent has a right to 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 written request, grants a stay. The terms and conditions of this Final Order are effective upon receipt.



Stacey Gerard  
Associate Administrator  
for Pipeline Safety

NOV 30 2008

---

Date Issued