



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

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

OCT 18 2004

Mr. Charles M. Brabson
Vice President – Engineering
Enterprise Products Operating L.P.
P.O. Box 4324
Houston, TX 77210-4324

Re: CPF No. 4-2004-5011

Dear Mr. Brabson:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation, assesses a civil penalty, and specifies actions to be taken to comply with the pipeline safety regulations. I acknowledge your wire transfer dated May 14, 2004 in the amount of \$25,000 as payment in full of the civil penalty assessed in the Final Order. When the terms of the Compliance Order are completed, as determined by the Director, Southwest Region, this enforcement action will be 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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

In the Matter of)

Enterprise Products Operating L.P.,)

Respondent)
_____)

CPF No. 4-2004-5011

FINAL ORDER

On September 15-19 and October 6-10, 2003, pursuant to 49 U.S.C. § 60117, representatives of the Office of Pipeline Safety (OPS) conducted an on-site pipeline safety inspection of Respondent's integrity management program (IMP) in Houston, Texas. As a result of the inspection, the Director, Southwest Region, OPS, issued to Respondent, by letter dated April 15, 2004, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had committed a violation of 49 C.F.R. § 195.452(b)(2) and proposed assessing a civil penalty of \$25,000 for the alleged violation. The Notice also proposed that Respondent take certain measures to correct the alleged violation.

Respondent responded to the Notice by letter dated May 14, 2004. Respondent did not contest the allegation of violation and agreed to pay the proposed civil penalty. Respondent also agreed to the proposed compliance terms. Respondent submitted a wire transfer in the amount of the proposed civil penalty (\$25,000) on May 14, 2004, waiving further right to respond and authorizing the entry of this Final Order.

Pursuant to § 190.209(a)(1) and 49 U.S.C. § 60122, I find that Respondent violated the following section of 49 C.F.R. Part 195, as more fully described in the Notice:

49 C.F.R. § 195.452(b)(2) – failing to implement the process documented in Respondent's IMP for identifying each pipeline segment that could affect a high consequence area (HCA). Respondent's IMP required the utilization of air dispersion (BERC) and liquid pool spread (BTS) analyses for identifying pipeline segments that could affect an HCA, but Respondent did not follow the procedure during the segment identification process. Specifically, the results of BERC and BTS analyses were not applied to buffer distances used to define indirect impacts to an HCA. For example, a 300-foot buffer was shown around the Lou-Tex pipeline, but a 1200 to 1800-foot buffer would be derived from BERC and BTS analyses. As a result, some segments that could affect an HCA were not properly identified.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent. I assess the civil penalty of \$25,000, already paid by Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order for the violation of 49 C.F.R. § 192.452(b)(2). 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. Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations. Respondent must –

1. Document the entire process currently in place to identify pipeline segments that could affect an HCA. Include adequate technical justification for the determination of buffer zones.
2. Apply the segment identification process detailed in Item 1 to all pipeline systems included in Respondent's IMP.
3. Submit the results of the application of the segment identification process in Item 2.
4. Complete each of the above items within 30 days following receipt of this order and submit documentation to the Director, Southwest Region, Office of Pipeline Safety, Research and Special Programs Administration, 8701 South Gessner Drive, Suite 1110, Houston, Texas 77074-2948.

The Regional Director may grant an extension of time to comply with any of the required items upon a written request by the Respondent demonstrating good cause for an extension.

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.

William H. Gerard

For

Stacey Gerard
Associate Administrator
for Pipeline Safety

OCT 18 2004

Date Issued