

## **WARNING LETTER**

### **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

April 13, 2015

Mr. Edward Luebke  
Vice President, Pipeline Operations  
TransMontaigne Inc.  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

**CPF 4-2015-5010W**

Dear Mr. Luebke:

On October 7-9, 2014, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected your Diamondback Pipeline facilities in Brownsville, TX.

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

**1. §195.573 What must I do to monitor external corrosion control?**

**(c) Rectifiers and other devices. You must electrically check for proper performance each device in the first column at the frequency stated in the second column.**

Device	Check Frequency
<b>Rectifier.....</b>  <b>Reverse Current Switch, Diode, Interference bond whose failure would jeopardize structural protection</b>	<b>At least six times each calendar year, but with intervals not exceeding 2 ½ months.</b>
<b>Other interference bond .....</b>	<b>At least once each calendar year not to exceed 15 months.</b>

TransMontaigne did not inspect their Highway 281 rectifier at least six times each calendar year with intervals not exceeding 2 ½ months. According to the TransMontaigne External Corrosion Control Monitoring inspection report, in calendar year 2013 the rectifier was inspected on February 28, June 28, November 15 and December 26 which did not meet the required six inspections or the maximum interval of 2 ½ months between inspections.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a 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 TransMontaigne Inc. 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 4-2015-5010W**. 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,

R. M. Seeley  
 Director, Southwest Region  
 Pipeline and Hazardous Materials Safety Administration