



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

NOV 30 2004

Warren Lee
President
Hawaii Electric Light Company, Inc.
54 Halekauila Street
Hilo, HI 96721-1027

Re: CPF No. 5-2002-5031

Dear Mr. Lee:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation, finds that you have completed the actions specified in the Notice required to comply with the pipeline safety regulations, and that you have addressed the inadequacies in your procedures that were cited in the Notice of Amendment. 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: Don Heinzen, P.E.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

In the Matter of)
)
Hawaii Electric Light Company, Inc.,)
)
Respondent.)
_____)

CPF No. 5-2002-5031

FINAL ORDER

On April 10-12, 2002, pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS) conducted an on-site pipeline safety inspection of Respondent's facilities and records in Hilo, Hawaii. As a result of the inspection, the Director, Western Region, OPS, issued to Respondent, by letter dated September 11, 2002, a Notice of Probable Violation, Proposed Compliance Order, and Notice of Amendment (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. § 195.404(b) and proposed that Respondent take certain measures to correct the alleged violation. The Notice also proposed, in accordance with 49 C.F.R. § 190.237, that Respondent amend its procedures for Operations, Maintenance and Emergencies and system maps.

Respondent responded to the Notice by letter dated October 9, 2002 (Response). Respondent did not contest the allegation of violation but provided information concerning the corrective action it had taken. Respondent did not request a hearing, and therefore has waived its right to one.

FINDING OF VIOLATION

In its Response, Respondent did not contest the alleged violation in the Notice. Accordingly, 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. § 195.404(b) -- failing to maintain and retain for 3 years daily operating records that properly capture—at each pump station—the maximum and minimum pressures that occur during the operation of the pipeline.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order for violation of 49 C.F.R. § 195.404(b). 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. The Regional Director has indicated that Respondent submitted documentation demonstrating Respondent is now recording and storing pipeline pressures at five second intervals and provided information on the cost of implementation. Accordingly, since compliance has been achieved with respect to this violation, the compliance terms are not included in this Order.

AMENDMENT OF PROCEDURES AND MAPPING RECORDS

The Notice alleged inadequacies in Respondent's Operations, Maintenance and Emergencies Manual and system maps. The Notice proposed to require amendment of Respondent's liaison procedures and system maps to comply with the requirements of 49 C.F.R. §§ 195.402(c)(12) and 195.404(a).

In its Response, Respondent submitted copies of its amended liaison procedures and system maps, which the Director, Western Region, OPS reviewed. Accordingly, based on the results of this review, I find that Respondent's original liaison procedures and system maps, as described in the Notice, were inadequate to ensure safe operation of its pipeline system, but that Respondent has corrected the identified inadequacies. No need exists to issue an order directing amendment.

WARNING ITEMS

The Notice did not propose a civil penalty or corrective action for Item 4 in the Notice, for Respondent's failure to document at least 26 inspections per year of each pipeline right-of-way at intervals not exceeding 3 weeks, as required by 49 C.F.R. § 195.412(a). The Notice warned Respondent that it should take appropriate action to correct the failure to inspect at adequate intervals. Respondent presented information in its Response demonstrating that it has addressed the cited item. Respondent is warned that if OPS finds a violation for this item in a subsequent inspection, enforcement action will be taken.

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 and conditions of this Final Order are effective on receipt.



Stacey Gerard
Associate Administrator
for Pipeline Safety

NOV 30 2004

Date Issued