



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

FEB 16 2006

Mr. Clifton Simonson
President
Bentley-Simonson Inc.
1746-F South Victoria Avenue
Suite #382
Venutra, CA 93003-6592

Re: CPF No. 5-2004-0008

Dear Mr. Simonson:

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 Bentley-Simonson has completed the actions specified in the Notice to comply with the pipeline safety regulations.

Your receipt of the Final Order constitutes service under 49 C.F.R. § 190.5. This case is now closed.

Sincerely,

James Reynolds
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

cc: Tim Nelson
Compliance Director
Bentley-Simonson Inc.

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, DC 20590**

In the Matter of)
)

Bentley-Simonson Inc.,)
)

Respondent)
_____)

CPF No. 5-2004-0008

FINAL ORDER

On March 30, 2004, pursuant to 49 U.S.C. § 60117, a representative of the Western Region, Office of Pipeline Safety (OPS) conducted an investigation of the Bentley-Simonson (Respondent) pipeline facilities and records in Ventura, California.

As a result of the inspection, the Director, Western Region, OPS issued to Respondent, by letter dated September 20, 2004, 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 violated sections of 49 C.F.R. Part 192 and proposed that Respondent take certain measures to correct the alleged violations.

Respondent responded to the Notice by letter dated November 2, 2004. Respondent was granted a 30-day extension to reply to the Notice. Respondent submitted its response on December 15, 2004 (Response). In its Response, Respondent did not contest the allegations of violation but submitted its revised operations and maintenance procedures manual. Respondent did not request a hearing and therefore has waived its right to one.

FINDING OF VIOLATION

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

1) 49 C.F.R. § 192.605—failing to have in its operator's manual for operations, maintenance and emergencies the following procedures:

la) 49 C.F.R. § 191.23—procedures addressing the reporting of emergency safety-related conditions in accordance with 49 C.F.R. § 191.25, including earthquakes, floods, buildup of pressure, and a leak that constitutes hazard.

lb) 49 C.F.R. § 192.605(b)(9)—procedures addressing precautions in excavated trenches and the availability of emergency rescue equipment (i.e. breathing apparatus, rescue harness).

lc) 49 C.F.R. § 192.613 (b)—procedures addressing pipe in unsatisfactory condition, though not an imminent hazard.

ld) 49 C.F.R. § 192.616—procedures addressing educational programs for the public for the purpose of recognizing and reporting gas pipeline emergencies to public officials.

le) 49 C.F.R. § 192.617—procedures addressing the analysis of accidents and failures.

lf) 49 C.F.R. § 192.503—procedures for leak-test, strength-test requirements for pipelines.

lg) 49 C.F.R. § 192.629—procedures for purging pipelines of air, and purging pipelines of gas.

lh) 49 C.F.R. § 192.703(c)—procedures for hazardous leaks to be repaired promptly.

li) 49 C.F.R. § 192.727—procedures addressing abandonment or deactivation of facilities.

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

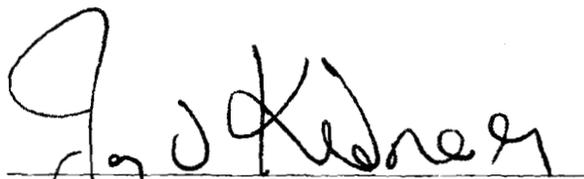
COMPLIANCE ORDER

The Notice proposed a compliance order for violation of the regulations listed above. 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. Respondent stated in its Response that, since the inspection, it has revamped its *Gas Pipeline Operations & Maintenance Procedures* manual, and included copies of the pertinent sections of the manual. The Regional Director has reviewed the revised manual sections and has determined that the revisions address the proposed compliance actions. Accordingly, since compliance has been achieved with respect to these violations, the compliance terms are not included in this Order.

WARNING

The Notice did not propose a civil penalty or corrective action for Respondent's alleged failure to maintain record of tests, surveys, and inspections to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist (49 C.F.R. § 192.491(c)). Therefore, this is considered a warning item. In its Response, Respondent said it had addressed the cited item by providing copies of corrosion control records and upgrading the corrosion protection of the Sansinena Field's gas pipeline.

Respondent is again warned that if OPS finds a violation for this item in a subsequent inspection, enforcement action will be taken.



Stacey Gerard
Associate Administrator
For Pipeline Safety

for

11/16/16

Date Issued