



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave. S.E.
Washington, DC 20590

DEC 5 2008

Mr. Robert Rose
Idaho Pipeline Corporation
P.O. Box 35236
Sarasota, FL 34232

Re: CPF No. 5-2008-5006

Dear Mr. Rose:

Enclosed is the Final Order issued in the above-referenced case. It makes findings of violation and finds that you have completed the actions specified in the Notice required to comply with the pipeline safety regulations. Therefore, this case is now closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

William H. Gault

for
Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. Chris Hoidal, Director, Western Region, OPS
Ms. Linda Daugherty, Director, Southern Region, OPS

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

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In the Matter of)	
)	
Idaho Pipeline Corporation,)	CPF No. 5-2008-5006
)	
Respondent.)	
)	

FINAL ORDER

On March 6, 2008, pursuant to 49 U.S.C. § 60117, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), inspected the facilities and records of Idaho Pipeline Corporation (Idaho PLC or Respondent). Idaho PLC is the operator of a three-mile aviation fuel pipeline in Boise, Idaho. As a result of that inspection, the Director, Western Region, OPS (Director), issued to Idaho PLC, by letter dated March 14, 2008, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Idaho PLC had violated 49 U.S.C. § 60132(a) and 49 C.F.R. § 194.452(a). The Notice also proposed ordering Idaho PLC to take certain measures to correct the alleged violations.

A return receipt from the U.S. Postal Service confirms that Idaho PLC received the Notice on March 20, 2007. Under 49 C.F.R. § 190.209, Respondent had 30 days from that date, or until April 19, 2007, to provide the Director with a response. Idaho PLC, however, did not submit its response until July 8, 2008 (Response). As the Director did not extend the 30-day period for responding to the Notice and Idaho PLC failed to file a timely response, I find that Respondent waived its right to contest the allegations in the Notice and authorized the entry of this Final Order.

In its Response, Idaho PLC neither contested the allegations of violation nor requested a hearing. It did, however, submit documents showing certain actions it had taken upon receipt of the Notice to comply with 49 U.S.C. § 60132(a) and 49 C.F.R. § 194.452(a).

FINDINGS OF VIOLATION

Item 1: The Notice alleged that Idaho PLC violated 49 U.S.C. § 60132, which states, in relevant part:

§ 60132. National pipeline mapping system.

(a) Information to be provided.--Not later than 6 months after the date of enactment of this section, the operator of a pipeline facility (except distribution lines and gathering lines) shall provide to the Secretary of Transportation the following information with respect to the facility:

(1) Geospatial data appropriate for use in the National Pipeline Mapping System or data in a format that can be readily converted to geospatial data.

(2) The name and address of the person with primary operational control to be identified as its operator for purposes of this chapter.

(3) A means for a member of the public to contact the operator for additional information about the pipeline facilities it operates....

Specifically, the Notice alleged that Idaho PLC violated 49 U.S.C. § 60132(a) by failing, on or before June 17, 2003,¹ to provide the Secretary of Transportation (Secretary) with geospatial data on its aviation fuel pipeline system for incorporation into the National Pipeline Mapping System (NPMS). That allegation is not contested. Accordingly, I find that Idaho PLC violated 49 U.S.C. § 60132(a) by failing, on or before June 17, 2003, to provide the Secretary with any of the geospatial, operational, and contact data to be used in the NPMS.

Item 2: The Notice alleged that Idaho PLC violated 49 C.F.R. § 195.452(a), which states:

§ 195.452 Pipeline integrity management in high consequence areas.

(a) *Which pipelines are covered by this section?* This section applies to each hazardous liquid pipeline and carbon dioxide pipeline that could affect a high consequence area, including any pipeline located in a high consequence area unless the operator effectively demonstrates by risk assessment that the pipeline could not affect the area. (Appendix C of this part provides guidance on determining if a pipeline could affect a high consequence area.) Covered pipelines are categorized as follows:

(1) Category 1 includes pipelines existing on May 29, 2001, that were owned or operated by an operator who owned or operated a total of 500 or more miles of pipeline subject to this part.

(2) Category 2 includes pipelines existing on May 29, 2001, that were owned or operated by an operator who owned or operated less than 500 miles of pipeline subject to this part.

(3) Category 3 includes pipelines constructed or converted after May 29, 2001.

¹ Section 60132 was enacted on December 17, 2002, as part of the Pipeline Safety Improvement Act of 2002, Pub. L. 107-355, § 15(a), 116 Stat. 3005. Accordingly, on February 3, 2003, PHMSA notified pipeline owners and operators that June 17, 2003, was the statutory deadline for providing the Secretary with all of the required NPMS data. See Advisory Bulletin, "Required Submission of Data to the National Pipeline Mapping System Under the Pipeline Safety Improvement Act of 2002," 68 Fed. Reg. 5338, 5338-40 (February 3, 2003).

Specifically, the Notice alleged that, as of the date of the OPS inspection, Idaho PLC had failed to determine whether any portion of its pipeline system “could affect” a High Consequence Area (HCA) or to demonstrate, through the performance of a risk assessment, that a release from its system could not affect an HCA. These allegations are also uncontested. Accordingly, I find that Idaho PLC violated 49 C.F.R. § 195.452(a) by failing to determine whether any portion of its pipeline system could affect an HCA or to demonstrate, through the performance a risk assessment, that a release from its system could not affect an HCA.

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

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Items 1 and 2 for violations by Respondent of 49 U.S.C. § 60132 and 49 C.F.R. § 195.452. 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 Director has indicated that Respondent has taken the following actions specified in the proposed compliance order:

With regard to Item 1, on April 17, 2008, Respondent provided the Secretary with current geospatial data on its pipeline system for use in the NPSM.

With regard to Item 2, on July 8, 2008, Respondent submitted the results of a current analysis showing that the operation of its pipeline could adversely affect an HCA.

Accordingly, since Respondent has achieved compliance 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 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 and amendment of procedures, shall remain in full force and effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order shall be effective upon receipt.

William H. Giese

for

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

DEC 5 2008

Date Issued