

MAR 30 2010

Mr. Todd L. Tullio
Manager, Regulatory Compliance
ConocoPhillips Pipe Line Company
Threadneedle TN-5100
600 North Dairy Ashford
PO Box 2197
Houston, TX 77252

Re: CPF No. 5-2009-0030

Dear Mr. Tullio:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and finds that ConocoPhillips Pipe Line Company has completed the actions specified in the Notice to comply with the pipeline safety regulations. Therefore, this case is now closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. Chris Hoidal, Director, Western Region, PHMSA

CERTIFIED MAIL – RETURN RECEIPT REQUESTED [7009 1410 0000 2472 5293]

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

_____)	
In the Matter of)	
)	
ConocoPhillips Pipe Line)	CPF No. 5-2009-0030
Company,)	
)	
Respondent.)	
_____)	

FINAL ORDER

On August 18-19, 2009, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of ConocoPhillips Pipe Line Company (Conoco or Respondent)¹ in Santa Maria, California. According to the OPS violation report, Conoco operates two natural gas pipelines in the area, both of which are remotely monitored from a field office in Ponca City, Oklahoma. The first, NG 22, receives natural gas from the Southern California Gas Company (SOCAL), the Nation’s largest natural gas distribution utility.² The second, NG 23, receives natural gas from Pacific Gas and Electric Company (PG&E), which operates 42,141 miles of natural gas distribution pipelines and 6,438 miles of transportation pipelines.³

As a result of the inspection, the Director, Western Region, OPS (Director), issued to Respondent, by letter dated November 30, 2009, 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 49 C.F.R. § 192.739(a) and proposed ordering Respondent to take certain measures to correct the alleged violation.

¹ According to its website, “ConocoPhillips Pipe Line Company (CPPL) is a wholly owned subsidiary of ConocoPhillips. CPPL operates more than 11,000 miles of pipelines and more than 60 storage terminals in the United States. CPPL transports both raw and finished petroleum products, including crude oil, propane and refined products such as gasoline, diesel and jet fuel. Motor fuels are stored at terminals where tanker trucks pick them up for delivery to local retail outlets.” <http://www.conocophillipspipeline.com/EN/Pages/index.aspx> (accessed Mar. 9, 2010).

² <http://www.socalgas.com/aboutus/profile.html> (accessed Mar. 9, 2010).

³ <http://www.pge.com/about/company/profile/> (accessed Mar. 9, 2010).

Conoco responded to the Notice by letter dated December 30, 2009 (Response). Respondent did not contest the allegations of violation but provided information concerning the corrective actions it had taken. Conoco did not request a hearing and therefore has waived its right to one.

FINDING OF VIOLATION

In its Response, Conoco did not contest the allegation in the Notice that it violated 49 C.F.R. Part 192, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 192.739(a), which states:

§ 192.739 Pressure limiting and regulating stations: Inspection and testing.

(a) Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected at intervals not exceeding 15 months, but at least once each calendar year, to inspections and tests to determine that it is--

- (1) In good mechanical condition;
- (2) Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;
- (3) Except as provided in paragraph (b) of this section, set to control or relieve at the correct pressure consistent with the pressure limits of § 192.201(a); and
- (4) Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

The Notice alleged that Conoco violated 49 C.F.R. § 192.739(a) by failing to inspect, test, and document the mechanical condition, adequacy, and operational reliability of the pressure relief devices on the Santa Maria pipeline system. Specifically, the Notice alleged that SOCAL and PG&E had control over the pressure relief devices on NG22 and NG23, respectively, but that Conoco also had an obligation to ensure that the inspection and testing of those devices complied with the requirements of § 192.739(a). The Notice further alleged that Conoco could not produce records showing that the SOCAL and PG&E had complied with § 192.739(a) at the time of the OPS inspection. In the alternative, the Notice stated that Respondent could ensure compliance with § 192.739(a) by installing its own pressure relief devices on NG22 and NG23 and then performing the required tests and inspections itself. Conoco did not contest this allegation of violation and confirmed that the company would install its own pressure relief devices on these lines during the current calendar year. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.739(a).

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Item 1 in the Notice for violation of 49 C.F.R. § 192.739(a). 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. The Director has indicated that Respondent has taken the following actions specified in the proposed compliance order:

1. On December 30, 2009, Conoco provided the Director with documentation of the required inspections and testing of the pressure relief devices on NG 22 and NG 23. Conoco further indicated that the company would install its own relief devices on both pipelines in 2010. The Director has reviewed this information and determined that it satisfies the terms of the proposed compliance order.

Accordingly, I find that compliance has been achieved with respect to this violation. Therefore, the compliance terms proposed in the Notice are not included in this Order.

The terms and conditions of this Final Order are effective upon receipt of service.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued