

DEC 19 2011

Mr. Terry D. Roby
President
ConocoPhillips Pipe Line Company
TA-02-2032
600 North Dairy Ashford Road
Houston, TX 77079

Re: CPF No. 5-2011-5014

Dear Mr. Roby:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and specifies actions that need to be taken by ConocoPhillips Pipe Line Company to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Western Region, this enforcement action will be 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
Mr. Alan Mayberry, Deputy Associate Administrator for Field Operations, Pipeline Safety,
PHMSA

CERTIFIED MAIL - RETURN RECEIPT REQUESTED [71791000164202981880]

**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 Company,)	CPF No. 5-2011-5014
)	
Respondent.)	
)	

FINAL ORDER

On October 4-8, 2010, 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 Glacier pipeline facilities and records of ConocoPhillips Pipe Line Company (CPPL or Respondent) from the pump station in Judith Gap, Montana, to Billings, Montana. The Glacier pipeline runs from the Canadian border north of Browning, Montana, to the CPPL refinery in Billings. The pipeline system is 758 miles long and crosses the Marias, Missouri, Judith, and Musselshell rivers.

As a result of the inspection, the Director, Western Region, OPS (Director), issued to Respondent, by letter dated April 6, 2011, a Notice of Probable Violation and Proposed Compliance Order (Notice), which also included a warning item pursuant to 49 C.F.R. § 190.205. In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that CPPL had committed various violations of 49 C.F.R. Part 195 and proposed ordering Respondent to take certain measures to correct the alleged violations. The warning item required no further action, but warned the operator to correct the probable violation.

CPPL responded to the Notice by email dated May 6, 2011 (Response). The company did not contest the allegations of violation and stated that it would take corrective actions to respond to the allegations. Respondent did not request a hearing and therefore has waived its right to one.

FINDINGS OF VIOLATION

In its Response, CPPL did not contest the allegations in the Notice that it violated 49 C.F.R. Part 195, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 195.402(c)(12), which states:

§ 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) *General.* Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies....

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1)

(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid or carbon dioxide pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid or carbon dioxide pipeline emergency and means of communication.

The Notice alleged that Respondent violated 49 C.F.R. § 195.402(c)(12) by failing to establish and maintain liaison with the appropriate fire officials in Roundup, Montana. Specifically, the Notice alleged that CPPL's sole liaison activity with Roundup firefighting organizations had been through the Montana Liquid and Gas Pipeline Association's emergency responder annual meetings, but that no representatives from Roundup attended the 2010 meeting. The Notice observed that firefighters from Roundup would likely be the first responders to an emergency at CPPL's pump station and tank farm. Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.402(c)(12) by failing to establish and maintain liaison with the appropriate fire officials in Roundup, Montana.

Item 2: The Notice alleged that Respondent violated 49 C.F.R. § 195.428(a), which states:

§ 195.428 Overpressure safety devices and overfill protection systems.

(a) Except as provided in paragraph (b) of this section, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, or in the case of pipelines used to carry highly volatile liquids, at intervals not to exceed 7 ½ months, but at least twice each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

The Notice alleged that Respondent violated 49 C.F.R. § 195.428(a) by failing to properly inspect and test each of its relief valves. Specifically, the Notice alleged that CPPL failed to verify that the buckling pins associated with the 300 psig relief valve at the Billings station and the 800 psig relief valve at the Roundup station were compatible and of the correct pressure ratings for the relief valves in which they were installed. In order to ensure that overpressure

safety devices are adequate for the capacity and reliability of operation for the service in which it is used, the buckling pins installed on them must be compatible and of the correct pressure rating. Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.428(a) by failing to properly inspect and test each of its relief valves.

Item 3: The Notice alleged that Respondent violated 49 C.F.R. § 195.404(b), which states in relevant part:

§ 195.404 Maps and records.

(a) ...

(b) Each operator shall maintain for at least 3 years daily operating records that indicate –

(1) The discharge pressure at each pump station....

The Notice alleged that Respondent violated 49 C.F.R. § 195.404(b) by failing to record daily discharge pressures at its CPPL-ExxonMobil transfer pump station in Billings, Montana. Specifically, the Notice alleged that CPPL did not have a device to record the discharge pressure at the pump station and instead it recorded the pressure 3.65 miles away from the discharge point. Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.404(b)(1) by failing to record daily discharge pressures at its CPPL-ExxonMobil transfer pump station.

Item 5: The Notice alleged that Respondent violated 49 C.F.R. § 195.440(a), which states:

§ 195.440 Public awareness.

(a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, *see* § 195.3).

The Notice alleged that Respondent violated 49 C.F.R. § 195.440(a) by failing to properly implement a written continuing public education program. Specifically, the Notice alleged that CPPL did not inform emergency officials of the locations of the pipelines and terminals within their areas of jurisdiction, and did not provide them with the location of each facility's associated emergency response plan, as required by CPPL's Public Awareness Program MPR-2302A. Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.440(a) by failing to properly implement a written continuing public education program.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Items 1, 2, 3, and 5 in the Notice for violations of 49 C.F.R. §§ 195.402(c)(12), 195.428(a), 195.404(b), and 195.440(a), respectively. 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. Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

1. With respect to the violation of § 195.402(c)(12) (**Item 1**), Respondent must arrange, conduct, and document a meeting with the local firefighters in Roundup, Montana, who would be the first responders to a fire at CPPL's Roundup Tank Farm. In that meeting, CPPL must ensure that Roundup firefighters have adequate information regarding the location of local CPPL facilities and pipelines as well as a tactical firefighting plan for response to any fires at local CPPL facilities. CPPL must also develop a plan to periodically meet with Roundup firefighters on an ongoing basis. CPPL must provide documentation and evidence to PHMSA showing compliance with this item within 60 days of receipt of the Final Order.
2. With respect to the violation of § 195.428(a) (**Item 2**), Respondent must provide documentation traceable to each rupture pin that shows they are compatible and of adequate capacity and reliability for the pressure relief valve in which they are installed. CPPL must provide documentation to PHMSA showing compliance within 60 days of receipt of the Final Order.
3. With respect to the violation of § 195.404(b) (**Item 3**), Respondent must install a device capable of measuring the discharge pressures directly downstream from the CPPL-ExxonMobil transfer pump station in Billings, Montana, within 60 days of receipt of the Final Order. Respondent must comply with all record-keeping requirements in § 195.404.
4. With respect to the violation of § 195.440(a) (**Item 5**), Respondent must give all emergency response organizations the location of all pipeline facility locations within their areas of jurisdiction and the location of each facility's associated emergency response plans. CPPL must provide documentation showing compliance with this item within 60 days of receipt of the Final Order.
5. PHMSA requests that CPPL maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Chris Hoidal, Director, Western Region. PHMSA requests that these costs be reported in two categories: 1) total cost associated with preparation of plans, procedures, studies, and analyses, and 2) total cost associated with replacements, additions, and other changes to pipeline infrastructure.

The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension.

Failure to comply with this Order may result in the administrative assessment of civil penalties not to exceed \$100,000 for each violation for each day the violation continues or in referral to the Attorney General for appropriate relief in a district court of the United States.

WARNING ITEM

With respect to Item 4, the Notice alleged a probable violation of Part 195 but did not propose a civil penalty or compliance order. Therefore, this is considered to be a warning item. The warning was for:

49 C.F.R. § 195.404(c)(2) (**Item 4**) — Respondent's alleged failure to maintain a record of the date, location, and description of each repair made to parts of the pipeline other than pipe for at least one year.

CPPL did not contest the allegation. Accordingly, having considered such information, I find, pursuant to 49 C.F.R. § 190.205, that a probable violation of 49 C.F.R. § 195.404 (Notice Item 4) has occurred and Respondent is hereby advised to correct such conditions. If OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued