U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

SEP 1 4 2012

Mr. Robert L. Rose
President
Tampa Bay Pipeline Company
5802 Hartford Street
Tampa, FL 33619

Re: CPF No. 2-2012-6008

Dear Mr. Rose:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation, assesses a civil penalty of $66,100, and specifies actions that need to be taken by Tampa Bay Pipeline Company to comply with the pipeline safety regulations. The penalty payment terms are set forth in the Final Order. When the civil penalty has been paid and the terms of the compliance order completed, as determined by the Director, Southern 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,

for Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure
cc: Mr. Wayne T. Lemoi, Director Southern Region, PHMSA
Mr. Alan Mayberry, Deputy Associate Administrator for Field Operations, OPS

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

In the Matter of	)	
Tampa Bay Pipeline Company,	)	**CPF No. 2-2012-6008**
Respondent.	)	

FINAL ORDER

On September 12-16, 2011, 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 Integrity Management Plan (IMP) of Tampa Bay Pipeline Company (TBPL or Respondent) in Tampa, Florida. Respondent operates approximately 100 miles of pipeline transporting anhydrous ammonia, a highly volatile liquid (HVL), and approximately 10 miles of hazardous liquid pipeline transporting refined petroleum products, all within the State of Florida.[1]

As a result of the inspection, the Director, Southern Region, OPS (Director), issued to Respondent, by letter dated May 9, 2012, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that TBPL had violated 49 C.F.R. §§ 195.452(c)(1)(i)(C), 195.452(c)(1)(i)(D), 195.452(d)(1), 195.452(k), and 195.452(l)(1)(ii), and proposed assessing a civil penalty of $66,100 for the alleged violations. The Notice also proposed ordering Respondent to take certain measures to correct the alleged violations.

Respondent failed to respond within 30 days of receipt of service of the Notice. Under 49 C.F.R. § 190.209(c), such failure to respond constitutes a waiver of TBPL's right to contest the allegations in the Notice and authorizes the Associate Administrator, without further notice, to find facts as alleged in the Notice and to issue this Final Order under § 190.213. In this case, the Notice was mailed to Respondent by certified mail (USPS Article No. 7008 1830 0003 0751 0494) on May 9, 2012 and was received by Respondent on May 11, 2012, as shown by the return

[1] According to Articles of Merger filed with the Secretary of State of the State of Florida, Tampa Pipeline Limited Partnership merged with Tampa Pipeline Corporation on or around September 30, 2001. Tampa Pipeline Corporation and its related companies operate pipelines providing jet fuel to various airports: St. Louis Pipeline Corporation (St. Louis Pipeline); Illinois Petroleum Supply Corporation (Illinois Petroleum Supply); Illinois Pipeline Corporation (Illinois Pipeline); Idaho Pipeline Corporation (Idaho Pipeline); Tampa Airport Corporation (Tampa Airport Pipeline); San Antonio Pipeline Corporation (San Antonio Pipeline); and Pipelines of Puerto Rico, Inc. (San Juan Pipeline). http://www.sunbiz.org/corioff.html (last accessed 7/24/2012)

receipt on file with PHMSA. Furthermore, on June 19, 2012, representatives from Tampa Pipeline Corporation, parent company of TBPL met with staff engineers in the Southern Region, OPS, discussed the Notice and reminded Respondent of its right to submit a written response to the Notice.[2] Later, the Southern Region, OPS contacted TBPL by telephone to remind the Respondent of its right to respond. To date, Respondent has not responded to the Notice. Under such circumstances, I find it reasonable and appropriate to enter this Final Order without further proceedings.[3]

FINDINGS OF VIOLATION

TBPL 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. § 195.452(c)(1)(i)(C), which states:

> **§ 195.452 Pipeline integrity management in high consequence areas.**
> (a) ...
> (c) *What must be in the baseline assessment plan?*
> (1) An operator must include each of the following elements in its written baseline assessment plan:
> (i) The methods selected to assess the integrity of the line pipe. An operator must assess the integrity of the line pipe by any of the following methods. The methods an operator selects to assess low frequency electric resistance welded pipe or lap welded pipe susceptible to longitudinal seam failure must be capable of assessing seam integrity and of detecting corrosion and deformation anomalies.
> (A) ...
> (C) Other technology that the operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the Office of Pipeline Safety (OPS) 90 days before conducting the assessment, by sending a notice to the address or facsimile number specified in paragraph (m) of this section.[4]

The Notice alleged that Respondent violated 49 C.F.R. § 195.452(c)(1)(i)(C) by failing to properly assess the integrity of its line pipe using other technology, External Corrosion Direct Assessment (ECDA) to perform its baseline assessment. Specifically, the Notice alleged that,

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[2] 49 C.F.R.§ 190.209, Response options.

[3] In the Matter of Tampa Pipeline Corporation, Final Order (CPF No. 2-2008-6002) (April 26, 2010), 2010 WL 6531627, (D.O.T.), August 27, 2010; See also, In the Matter of Tampa Bay Pipeline Corporation, Final Order (CPF No. 2-2005-6012 (Dec. 1, 2006), 2008 WL 902910 (D.O.T.), March 31, 2008. PHMSA final orders are generally accessible on the agency's website, available at http://primis.phmsa.dot.gov/comm/reports/enforce/Actions.

[4] 49 C.F.R. § 195.452(C) (as revised in 67 Fed. Reg. 1660, 1661 (Jan. 14, 2002)), reflects the code language in effect when EDCA was considered "Other Technology" and at the time TBPL initiated its baseline assessment using ECDA.

after Respondent notified PHMSA of its intent to use other technology[5], TBPL failed to properly assess the integrity of all above ground pipe and all pipe in vaults by not performing each step of the ECDA Pre-Assessment, which included the ECDA Feasibility Assessment, Selection of Indirect Inspection Tools, and Identification of ECDA Regions.[6]

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. § 195.452(c)(1)(i)(C) by failing to properly assess the integrity of its above ground pipe and pipe in vaults.

Item 2: The Notice alleged that Respondent violated 49 C.F.R. § 195.452(c)(1)(i)(D), which states in relevant part:

> **§ 195.452 Pipeline integrity management in high consequence areas.**
> (a) ...
> (c) *What must be in the baseline assessment plan?*
> (1) An operator must include each of the following elements in its written baseline assessment plan:
> (i) The methods selected to assess the integrity of the line pipe. An operator must assess the integrity of the line pipe by any of the following methods. The methods an operator selects to assess low frequency electric resistance welded pipe or lap welded pipe susceptible to longitudinal seam failure must be capable of assessing seam integrity and of detecting corrosion and deformation anomalies.
> (A) ...
> (D) Other technology that the operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the Office of Pipeline Safety (OPS) 90 days before conducting the assessment, by sending a notice to the address or facsimile number specified in paragraph (m) of this section.[7]

The Notice alleged that Respondent violated 49 C.F.R. § 195.452(c)(1)(i)(D) by failing to properly assess the integrity of its line pipe in casings using, other technology, Guided Wave Ultrasonic Testing (GWUT) to perform its baseline assessment. Specifically, the Notice alleged that TBPL did not assess its entire line pipe in several casings because the inspection range of the

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[5] Respondent notified the agency, by fax received on July 25, 2005, of its intent to use other assessment technology that at a minimum followed American Society of Mechanical Engineers (ASME), ASME B31.8S-2004, "Managing System Integrity of Gas Pipelines" and the National Association of Corrosion Engineers (NACE), NACE International Standard Practice, SP0502-2002, External Corrosion Direct Assessment. See Pipeline Safety Violation Report (Violation Report) dated May 9, 2012 at 44, Exhibit B.

[6] Violation Report at 3 and Exhibits A and B.

[7] §195.452(c)(l)(i)(D) (as revised in 70 Fed. Reg. 61576 (Oct. 25, 2005) designating paragraph (c)(1)(i)(C) as (c)(1)(i)(D)). This is also the code language in effect at the time TBPL undertook casing assessments using GWUT.

GWUT was less than the total length of the pipe in the casings, as indicated in the chart below:

Casing	Location	Length of Pipe in Casing	GWUT Inspection Range
2-5	South side of 22nd St. - ½ mile W. Sagasta	40-feet	36-feet
6-10	Keysville Rd @ CR 640	68-feet	53-feet
6-11	Bypass across CR 640@ County Line Rd	72-feet	42-feet
7-20	Retaining Pond on Fishhawk Blvd. 1st casing W of CR 640	50-feet	27-feet
9-2	Nichols Rd & Anderson Rd	65-feet	43-feet

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. § 195.452(c)(1)(i)(D) by failing to properly assess the integrity of its line pipe in several casings.

Item 3: The Notice alleged that Respondent violated 49 C.F.R. § 195.452(d)(1), which states in relevant part:

> **§ 195.452 Pipeline integrity management in high consequence areas.**
> (a) ...
> (d) *When must operators complete baseline assessments?* Operators must complete baseline assessments as follows:
> (1) *Time periods.* Complete assessments before the following deadlines:

If the pipeline is:	Then complete baseline assessments not later than the following date according to a schedule that prioritizes assessments:	And assess at least 50 percent of the line pipe on an expedited basis, beginning with the highest risk pipe, not later than:
Category 1.....	March 31, 2008.....	September 30, 2004.
Category 2.....	February 17, 2009.....	August 16, 2005.
Category 3.....	Date the pipeline begins operation.....	Not applicable.

The Notice alleged that Respondent violated 49 C.F.R. § 195.452(d)(1) by failing to complete its baseline assessment of all line pipe in HCAs by the February 17, 2009 deadline. Specifically, the Notice alleged that TBPL identified its entire pipeline as being in an HCA[8] and used ECDA,

[8] An HCA is defined as: (1) a *commercially navigable waterway*, which means a waterway where a substantial likelihood of commercial navigation exists; (2) a *high population area*, which means an urbanized area, as defined and delineated by the Census Bureau, that contains 50,000 or more people and has a population density of at least 1,000 people per square mile; (3) an *other populated area*, which means a place, as defined and delineated by the Census Bureau, that contains a concentrated population, such as an incorporated or unincorporated city, town, village, or other designated residential or commercial area; and (4) an *unusually sensitive area*, as defined in § 195.6. 49 C.F.R. § 195.450.

GWUT, and pressure testing to assess the integrity of its line pipe but failed to complete its assessment by the February 17, 2009 deadline. While Respondent used EDCA, GWUT and pressure testing to assess its line, TBPL failed to assess **all** of the line pipe in vaults, above ground line pipe, and line pipe in casings. As of the date of the inspection, TBPL exceeded the deadline to assess the integrity of its line by 986 days.[9]

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. § 195.452(d)(1) by failing to complete its baseline assessment of all line pipe in HCAs by the February 17, 2009 deadline.

Item 4: The Notice alleged that Respondent violated 49 C.F.R. § 195.452(k), which states:

> **§ 195.452 Pipeline integrity management in high consequence areas.**
> (k) *What methods to measure program effectiveness must be used?* An operator's program must include methods to measure whether the program is effective in assessing and evaluating the integrity of each pipeline segment and in protecting the high consequence areas. See Appendix C of this part for guidance on methods that can be used to evaluate a program's effectiveness.

The Notice alleged that Respondent violated 49 C.F.R. § 195.452(k) by failing to have in its IMP methods to measure whether the program was effective in assessing and evaluating the integrity of each pipeline segment and in protecting high consequence areas (HCAs). Specifically, the Notice alleged that TBPL failed to include in its IMP, *Section 2.0, Program Evaluation,* methods to measure whether the program was effective in assessing and evaluating the integrity of each pipeline segment and in protecting HCAs.

PHMSA asserted that, in the absence of methods to measure the effectiveness of its program, Respondent's IMP required a third party to perform an annual IMP evaluation and restated PHMSA's Protocol# 8.01 Program Evaluation: Process Approach; Protocol# 8.02 Program Evaluation: Performance Measures; and Protocol # 8.03 Program Evaluation: Communication of Evaluation Results. During PHMSA's inspection, TBPL did not demonstrate that it had performed an effectiveness evaluation of its IMP program.

Respondent did not contest this allegation of violation. TBPL's reliance on a third party to perform an effectiveness evaluation of its IMP program does not negate its responsibility to have an IMP that assesses and evaluates the integrity of each pipeline segment. To find otherwise would permit pipeline operators to shield themselves from their obligation to comply with the Pipeline Safety Laws simply by contracting out their functions. Mimicking or simply repeating PHMSA's guidance does not demonstrate compliance, as it does not take into account the unique circumstances of TBPL's particular system. There is no evidence that the company had performed an effectiveness evaluation of its IMP program. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.452(k) by failing to include

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[9] Violation Report at 17 and Exhibits A, B, and C.

in its IMP program methods to measure whether the program was effective in assessing and evaluating the integrity of each pipeline segment and in protecting high consequence areas.

Item 5: The Notice alleged that Respondent violated 49 C.F.R. § 195.452(l)(1)(ii), which states in relevant part:

> **§ 195.452 Pipeline integrity management in high consequence areas.**
> (l) *What records must be kept*? (1) An operator must maintain for review during an inspection:
> (i) ...
> (ii) Documents to support the decisions and analyses, including any modifications, justifications, variances, deviations and determinations made, and actions taken, to implement and evaluate each element of the integrity management program listed in paragraph (f) of this section.

The Notice alleged that Respondent violated 49 C.F.R. § 195.452(l)(1)(ii) by failing to maintain proper documentation of the decisions and analyses, including any modifications, justifications, variances, deviations and determinations made, and actions taken, to implement and evaluate each element of its IMP. Specifically, the Notice alleged that TBPL failed to properly document its analyses and decisions in the evaluation of its leak detection capability, need for Emergency Flow Restricting Devices (EFRD), and selection of indirect inspection tools during its ECDA Pre-Assessment, as required by TBPL's IMP, *Section 10.*[10]

During its inspection, PHMSA found that the Indirect Inspection Tool-Form D documents provided by Respondent showed the tools it selected; however, none of the documents explained or supported the basis for TBPL's decisions, analyses, and actions.

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. § 195.452(l)(1)(ii) by failing to maintain for review documents supporting the decisions, analyses, and actions taken in evaluation of its leak detection capability, need for Emergency Flow Restricting Devices on a pipeline segment in a HCA, and selection of indirect inspection tools.

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

ASSESSMENT OF PENALTY

Under 49 U.S.C. § 60122, Respondent is subject to an administrative civil penalty not to exceed $100,000 per violation for each day of the violation, up to a maximum of $1,000,000 for any related series of violations. In determining the amount of a civil penalty under 49 U.S.C. § 60122 and 49 C.F.R. § 190.225, I must consider the following criteria: the nature, circumstances, and gravity of the violation, including adverse impact on the environment; the

[10] Violation Report at Exhibit A.

degree of Respondent's culpability; the history of Respondent's prior offenses; the Respondent's ability to pay the penalty and any effect that the penalty may have on its ability to continue doing business; and the good faith of Respondent in attempting to comply with the pipeline safety regulations. In addition, I may consider the economic benefit gained from the violation without any reduction because of subsequent damages, and such other matters as justice may require. The Notice proposed a total civil penalty of $66,100 for the violations cited above.

Item 1: The Notice proposed a civil penalty of $18,700 for Respondent's violation of 49 C.F.R. § 195.452(c)(1)(i)(C), for failing to properly assess the integrity of its above ground pipe and pipe in vaults using External Corrosion Direct Assessment to perform its baseline assessment. TBPL failed to properly assess the integrity of all above ground pipe and all pipe in vaults by not performing each step of the ECDA Pre-Assessment, which included the ECDA Feasibility Assessment, Selection of Indirect Inspection Tools, and Identification of ECDA Regions. TBPL neither contested the allegation nor presented any evidence or argument justifying a reduction or elimination of the proposed penalty. In terms of culpability, Respondent's senior management knew or should have known of its responsibility to meet the various requirements of its own IMP. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of $18,700 for violation of 49 C.F.R. § 195.452(c)(1)(i)(C).

Item 2: The Notice proposed a civil penalty of $18,700 for Respondent's violation of 49 C.F.R. § 195.452(c)(1)(i)(D), for failing to properly assess the integrity of its line pipe in several casings using Guided Wave Ultrasonic Testing (GWUT), as the inspection range of GWUT was less than the total length of the pipe in the casings. Although the company's IMP required multiple GWUT "shots" if the inspection range was less than the total length of the pipe inside the casing, Respondent failed to do so. TBPL neither contested the allegation nor presented any evidence or argument justifying a reduction or elimination of the proposed penalty. Under § 195.452(c), an operator must assess its pipeline by one of several methods specified in the regulation. An operator's failure to sufficiently assess the integrity of its process and to analyze the potential effects of pipeline failures on HCAs leaves it unprepared to address the severity and extent of the consequences that ensue following a failure. A release or failure under such circumstances increases the risk of harm to the public and the environment. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of $18,700 for violation of 49 C.F.R. § 195.452(c)(1)(i)(D).

Item 3: The Notice proposed a civil penalty of $28,700 for Respondent's violation of 49 C.F.R. § 195.452(d)(1), for failing to complete its baseline assessment of all line pipe in HCAs by the February 17, 2009 deadline. TBPL neither contested the allegation nor presented any evidence or argument justifying a reduction or elimination of the proposed penalty. Failure to identify when a pipeline is subject to the integrity management program rules presents a risk to the safety of the public and environment in the most critical areas, because the operator may not adhere to the more stringent standards imposed by the integrity management regulations for that pipeline. Operators were required, under §195.452, to complete baseline assessments for Category 2 pipelines by February 17, 2009. Respondent is fully culpable. More than two years after this date, when OPS conducted its inspection, TBPL still had not completed this basic task. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of $28,700 for violation of 49 C.F.R. § 195.452(d)(1).

In summary, having reviewed the record and considered the assessment criteria for each of the Items cited above, I assess Respondent a total civil penalty of **$66,100**.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require such payment to be made by wire transfer through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMZ-341), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 269039, Oklahoma City, Oklahoma 73125. The Financial Operations Division telephone number is (405) 954-8893.

Failure to pay the $66,100 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a district court of the United States.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Items 1, 2, 3, 4 and 5 in the Notice for violations of 49 C.F.R. §§ 195.452(c)(1)(i)(C), 195.452(c)(1)(i)(D), 195.452(d)(1), 195.452(k), and 195.452(l)(1)(ii), 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 § 195.452(c)(1)(i)(C), (**Item 1**), Respondent must properly assess its above ground pipe and pipe in vaults during the External Corrosion Direct Assessment, perform the appropriate ECDA steps, in accordance with TBPL's procedures, and identify the pipe and assign it to appropriate ECDA Region(s).

2. With respect to the violation of § 195.452(c)(1)(i)(D), (**Item 2**), Respondent must assess all the line pipe in the casings.

3. With respect to the violation of § 195.452(d)(1), (**Item 3**), Respondent must identify and assess all the line pipe in HCAs not previously assessed and that was required to have been assessed by February 17, 2009.

4. With respect to the violation of § 195.452(k), (**Item 4**), Respondent must develop appropriate measures to evaluate the effectiveness of its Integrity Management Program and perform the effectiveness review. The effectiveness review must be

performed by an independent third party, qualified by education and experience, in integrity management and ECDA.

5. With respect to the violation of § 195.452(l)(1)(ii), (**Item 5**), Respondent must prepare adequate documentation of the analyses and decisions in TBPLs' evaluations of: 1) TBPL's leak detection capability, and 2) if Emergency Flow Restricting Devices are needed on a pipeline segment to protect an HCA in the event of a hazardous liquid pipeline release.

6. TBPL must complete all of the items within 30 days following receipt of the Final Order and must provide to the Director, Office of Pipeline Safety, PHMSA Southern Region, within 45 days following receipt of the Final Order, written documentation confirming the items have been completed.

7. Alternatively, if TBPL is unable to complete these items within 30 days following receipt of the Final Order, Respondent must:

a. Within 30 days following receipt of this Final Order, provide the Director, Office of Pipeline Safety, PHMSA Southern Region a written, fact based, explanation why these items could not be completed within 30 days;

b. Develop and submit a written plan to the Director that specifies the actions Respondent will take to complete Items 2, 3, and 4, including the assessment method or methods TBPL will use to assess the line pipe. The plan must also include the method and measures TBPL will use to determine whether its Integrity Management Program is effective in assessing and evaluating the integrity of each pipeline segment and in protecting high consequence areas. The written plan must be submitted within 30 days following receipt of this Final Order.

c. Engage an independent third party, qualified by education and experience in integrity management and ECDA, to perform and complete the effectiveness review in accordance with Item 4 above. The effectiveness review must be completed within120 days following receipt of this Final Order.

d. Complete the assessment of TBPL's line pipe, in accordance with compliance Items 2 and 3. The assessment must be completed within 150 days following receipt of this Final Order.

e. Submit written documentation confirming completion of Items 2-4 to the Director, Office of Pipeline Safety, PHMSA Southern Region, within 170 days following receipt of this Final Order.

f. Make available for PHMSA's inspection all records and documentation showing completion of Items 2-4, within 170 days following receipt of this Final Order.

8. It is requested (not mandated) that TBPL maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to the Director, Office of Pipeline Safety, PHMSA Southern Region. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision 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.

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 sent to: Associate Administrator, Office of Pipeline Safety, PHMSA, 1200 New Jersey Avenue, SE, East Building, 2nd Floor, Washington, DC 20590, with a copy sent to the Office of Chief Counsel, PHMSA, at the same address. PHMSA will accept petitions received no later than 20 days after receipt of service of this Final Order by the Respondent, provided they contain a brief statement of the issue(s) and meet all other requirements of 49 C.F.R. § 190.215. The filing of a petition automatically stays the payment of any civil penalty assessed. Unless the Associate Administrator, upon request, grants a stay, all other 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

SEP 1 4 2012
Date Issued