



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

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

FEB - 6 2007

Mr. Tom Morgan
Vice President of Operations
El Paso/Colorado Interstate Gas
2 North Nevada Avenue
Colorado Springs, CO 80944

Re: CPF No. 5-2004-5013

Dear Mr. Morgan:

Enclosed is the Final Order issued by the Acting Associate Administrator for Pipeline Safety 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. This case is now closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

James Reynolds
Pipeline Compliance Registry
PHMSA-Office of Pipeline Safety

Enclosure

cc: Mr. Chris Hoidal, P.E., Director, Western Region, PHMSA
Mr. Paul Lopez, Supervisor, El Paso Corporation, DOT Compliance Services, Western
Pipeline Group

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)	
El Paso/Colorado Interstate Gas)	CPF No. 5-2004-5013
Respondent)	

FINAL ORDER

On January 20, 2004, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration's (PHMSA's)¹ Office of Pipeline Safety conducted an on-site pipeline safety inspection of Respondent's Integrity Management Program (IMP) and records in Colorado Springs, Colorado. As a result of the inspection, the Director, Western Region, PHMSA issued to Respondent, by letter dated April 6, 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 49 C.F.R. Part 195 and proposed that Respondent take certain measures to correct the alleged violation.

Respondent responded to the Notice (Response) by letter dated May 7, 2004 and supplemented by an August 31, 2004 correspondence that included an August 2004 documented study. Respondent offered information to explain the allegations and described the corrective measures it has taken with respect to the Notice. Respondent did not request a hearing, and therefore has waived its right to one.

FINDINGS OF VIOLATION

Item 1(A-B), as more fully described in the Notice, alleged Respondent violated 49 C.F.R. § 195.452(a)(1) by:

- (A) failing to perform its own study utilizing its own data for the air dispersion model to determine "could affect" segments on its pipeline system; and

¹ Effective February 20, 2005, the Pipeline and Hazardous Materials Safety Administration (PHMSA) succeeded Research and Special Programs Administration as the agency responsible for regulating safety in pipeline transportation and hazardous materials transportation. See, section 108 of the Norman Y. Mineta Research and Special Programs Improvement Act (Public Law 108-426, 118 Stat. 2423-2429 (November 30, 2004)). See also, 70 Fed. Reg. 8299 (February 18, 2005) re delegating the pipeline safety authorities and functions to the PHMSA Administrator.

(B) utilizing a sister company's air dispersion analysis and determining that there was an intersection between its buffer and an "other populated area" (OPA). Respondent determined that there was not any "affect" by stipulating that there was not an area of "concentrated population." Respondent's assertion could not be supported. According to the Notice, Respondent must fully determine if there is an intersection of the buffer zones and the OPA boundary; and if there is an intersection with the OPA, then that pipeline segment is a "could affect" segment.

Respondent elected to submit a written explanation in answer to the Notice and elected to conduct a study to determine the "could affect" areas in accordance with the criteria set forth in Item 1 of the Proposed Compliance Order.

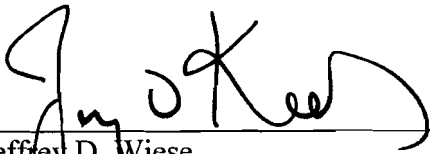
In addition to submitting the August 2004 study in its Response, Respondent asserted that the OPA designation was incorrect. However, Respondent could not provide sufficient evidence to Western Region, PHMSA that would support its assertion.

Accordingly, I find that Respondent violated 49 C.F.R. § 195.452(a)(1) as alleged in the Notice. This finding of violation will be considered a prior offense in any subsequent action taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Item 1(A-B) in the Notice. 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. With respect to Item 1(A-B), Respondent's Response included its August 31, 2004 submission that contained the August 2004 study and its associated costs. The Regional Director has reviewed the Response and has determined that the Response addresses the proposed compliance actions. Accordingly, since compliance has been achieved with respect to the violation, it is not necessary to include the compliance terms in this order.

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



Jeffrey D. Wiese
Acting Associate Administrator
for Pipeline Safety

FEB - 6 2007

Date Issued