



US Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 29 2003

Mr. Preston S. Chiaro
President and CEO
U. S. Borax, Inc.
14486 Borax Road
Boron, CA 93516-2000

RE: CPF No. 58012

Dear Mr. Chiaro:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violation and requires certain corrective actions. This enforcement action will be closed when the terms of the compliance order are complete, as determined by the Director, Western Region. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

Gwendolyn M. Hill
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

cc: Mr. Ian L. White-Thomson, Chairman
Mr. Scott Griffin, Vice-president Boron Operations

CERTIFIED MAIL RETURN RECEIPT REQUESTED

**DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

In the Matter of	}	
U. S. BORAX, INC.,		CPF No. 58012
Respondent.		

FINAL ORDER

During May 6, 1998, pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS) conducted an on-site pipeline safety inspection of Respondent's facilities and records in Boron, CA. As a result of the inspection, the Director, Western Region, OPS, issued to Respondent, by letter dated August 7, 1998, 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. Parts 192 and 199. The Notice also proposed that Respondent take certain measures to correct the alleged violations.

Respondent failed to respond within 30 days after it had received the Notice. Respondent's failure to respond constitutes a waiver of Respondent's right to contest the allegations in the Notice and authorizes the entry of this Final Order. Respondent did not request a hearing, consequently Respondent waived its right to one.

FINDINGS OF VIOLATION

Respondent did not contest the allegations of violation in the Notice. Accordingly, I find that Respondent violated 49 C.F.R. Part 192 and 199, as more fully described in the Notice:

49 C.F.R. §192.605 – failure to establish a manual of written procedures for Operations, Maintenance, and Emergencies (O&M) for conducting normal and abnormal operations, maintenance activities, and for emergency response that meets the requirements of 192.605 (a) - (e);

49 C.F.R. §192.605(b) – failure to establish a manual of written O&M procedures that specifically address each requirement of subparts L and M in sufficient detail such that personnel can perform their duties in a safe and reliable manner;

49 C.F.R. §192.603(b) – failure to establish and maintain a formal record keeping program to administer the procedures established under §192.603;

49 C.F.R. §192.707 – failure to have a sufficient number of pipeline markers to identify and locate the aboveground and belowground portions of the pipeline;

49 C.F.R. §199.7 – failure to establish a written anti-drug plan that specifically addresses each requirement of §199.7; and

49 C.F.R. §199.202 – failure to establish a written alcohol misuse plan that specifically addresses each requirement of §199.202.

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

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Items 1-6 for violations of 49 C.F.R. Parts 192 and 199.

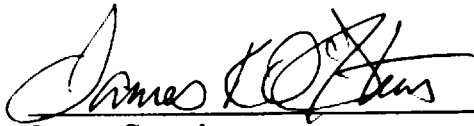
Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations. Respondent must -

1. Prepare and follow a manual of written procedures for conducting operations and maintenance activities, and for emergency response that meets the requirements of 192.605 (a) - (e).
2. In accordance with §192.605(b), establish and implement a manual of written procedures for Operations, Maintenance, and Emergencies (O&M), procedures that specifically address each requirement of Subparts L and M in sufficient detail such that personnel can perform their duties in a safe and reliable manner.
3. Establish and maintain a formal record keeping program to administer the procedures established under §192.603(b).
4. Install a sufficient number of pipeline markers to identify and locate the aboveground and belowground portions of the pipeline as required by §192.707.
5. Establish, maintain and follow a written anti-drug plan that specifically addresses each requirement of §199.7.
6. Establish, maintain and follow a written alcohol misuse plan that specifically addresses in sufficient detail each requirement of §199.202.

- 7. Within 30 days of receipt of this Order, submit confirmation and evidence of completion of these actions to the Director, Office of Pipeline Safety, Western Region, 12600 West Colfax Avenue, Golden Hills Center, Suite A-250, Lakewood, CO 80215-3736.

Under 49 C.F.R. § 190.215, Respondent has a right to 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 filing of a petition automatically stays the payment of any civil penalty assessed. All other terms of the order, including any required corrective action, shall remain in full effect unless the Associate Administrator, upon written request, grants a stay. The terms and conditions of this Final Order are effective upon receipt.

Failure to comply with this Final Order may result in the assessment of civil penalties of up to \$100,000 per violation per day, or in the referral of the case for judicial enforcement.



Stacey Gerard
Associate Administrator
for Pipeline Safety

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JUL 29 2003

Date Issued