



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

FEB 27 2008

1200 New Jersey Ave., S.E.
Washington, DC 20590

Mr. Terry Hurlburt
Vice President - Operations
Enterprise Products Operating LP
2727 North Loop, West
Houston, TX 77210

Re: CPF No. 3-2007-5021

Dear Mr. Hurlburt:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation and assesses a civil penalty of \$23,000. I acknowledge receipt of your wire transfer of \$23,000 on September 18, 2007, and accept it as payment in full of the civil penalty assessed herein. This case is now closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

cc: Ivan Huntoon
Director, Central Region, PHMSA

Enclosure

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

_____)
In the Matter of)
)
Enterprise Products Operating LP,) **CPF No. 3-2007-5021**
)
Respondent)
_____)

FINAL ORDER

On August 20, 2007, in accordance with 49 C.F.R. § 190.207, the Director, Central Region, Pipeline and Hazardous Materials Safety Administration (PHMSA), issued to Respondent a Notice of Probable Violation and Proposed Civil Penalty (Notice) following an investigation of Respondent's report of an incident involving its 8-inch diameter anhydrous ammonia pipeline designated as the "Green" line that occurred near Clay Center, Kansas. The Notice proposed finding that Respondent committed a violation of 49 C.F.R. Part 195 and assessing a civil penalty of \$23,000 for the alleged violation.

Respondent responded to the Notice by letter dated September 19, 2007. Respondent did not contest the allegation in the Notice and submitted a wire transfer in the amount of the proposed civil penalty (\$23,000), thereby waiving further rights to respond and authorizing the entry of this Final Order.

Pursuant to 49 C.F.R. § 190.213 and 49 U.S.C. § 60122, I hereby find that Respondent violated the following section of 49 C.F.R. Part 195, as more fully described in the Notice:

§ 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. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

(b) ...

(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)...

(2) Gathering of data needed for reporting accidents under subpart B of this part in a timely and effective manner.

The Notice alleged that Respondent violated 49 C.F.R. § 195.402 by failing to follow its procedures for reporting incidents to the National Response Center (NRC). Specifically, the Notice alleged that Respondent's release reporting procedures required that for releases of unknown quantity, the amount to be reported is the total volume between the nearest block valves (or the volume corresponding to a default distance of 10 miles). In its initial report to the NRC, however, Respondent reported "0 Unknown Amount."

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent. Having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of \$23,000, which amount has already been paid by Respondent.

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

William H. Guto
For

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

FEB 27 2008

Date Issued