



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

Southern Region, Pipeline Safety

Atlanta Federal Center
Suite 16 T 15
61 Forsyth St, SW
Atlanta, GA 30303-3104

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 28, 1997

Roy Adams
Operations Manager
The Pipelines of Puerto Rico
P. O. Box 366697
San Juan, PR 00936-6697

CPF No. 27602-W

Dear Mr. Adams:

On October 17 - 18, 1996, representatives of the Southern Region, Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code, conducted an onsite safety inspection of your pipeline facilities and reviewed your anti-drug and alcohol misuse prevention plans at San Juan, PR.

As a result of the inspection, it appears that you have committed probable violations as noted below of pipeline safety regulations Title 49, Code of Federal Regulations, Parts 199 and 40.

The items inspected and the probable violations are:

- 1. §199.7 requires that each operator shall maintain and follow a written anti-drug plan that contain the methods and procedures for compliance with all the requirements set out in Parts 199 and 40.**

The Pipelines of Puerto Rico's anti-drug plan did not clearly identify those matters relating to Parts 199 and 40. The plan shall contain methods and procedures for compliance with all the requirements of Parts 199 and 40, including required testing, recordkeeping, reporting, education and training elements. The information given to OPS for review was the company's policy on drug and alcohol use and several pages of guidelines that were intended to assist the company in updating their drug and alcohol policies. This alone does not meet the requirements of an anti-drug plan. Our records show that you received a sample anti-drug plan and alcohol misuse prevention plan, as well as other materials that were sent to you on July 31, 1995.

2. **§199.202 requires that each operator shall maintain and follow a written alcohol misuse plan that contains the methods and procedures for compliance with all the requirements set out in Parts 199 and 40.**

The Pipelines of Puerto Rico's alcohol misuse prevention plan did not clearly identify those matters relating to Parts 199 and 40. The plan shall contain methods and procedures for compliance with all the requirements of Parts 199 and 40, including required testing, recordkeeping, reporting, education and training elements. The information given to OPS for review was the company's policy on drug and alcohol use and several pages of guidelines that were intended to assist the company in updating their drug and alcohol policies. This alone does not meet the requirements of an alcohol misuse prevention plan. Our records show that you received a sample anti-drug plan and alcohol misuse prevention plan, as well as other materials that were sent to you on July 31, 1995.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$25,000 for each violation for each day the violations persists up to a maximum of \$500,000 for any related series of violations.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to assess you a civil penalty. We advise you, however, that should you not correct the circumstances leading to the violations, we will take enforcement action when and if the continued violations comes to our attention.

You will not hear from us again with regard to the noted inspection and our subsequent action. Because of the good faith that you have exhibited up to this time, we expect that you will act to bring your pipeline (and/or your operations) into compliance with pipeline safety regulations.

Please refer to CPF No.27602-W in any correspondence and/or communication on this matter.

Sincerely,

Frederick A. Joyner
Director, Southern Region
Office of Pipeline Safety

cc: Compliance Registry, OPS Headquarters

VALLERY/sd/DPS-25/2/28/97
FILE: CPF 27602W/Pipelines of Puerto Rico.
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