

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 9, 1997

James Pasternak
Pipeline Manager
Central Florida Pipeline Corporation
2101 Gatx Drive
Tampa, FL 33605

CPF No. 27603-W

Dear Mr. Pasternak:

On June 23-27, 1997, Mr. Derick Turner of the Southern Region, Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code, conducted an onsite inspection of your records, pipeline facilities, Anti-drug and Alcohol Misuse Prevention Program for pipeline employees at your office in Tampa, Florida.

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, Part 199.

The item inspected and the probable violation is:

§199.11(c)(7) requires the operator to ensure that random drug tests conducted are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year.

A review of the Central Florida Pipeline (CFP) anti-drug and alcohol misuse prevention program found that its random tests have not been spread reasonably throughout the calendar year. The dates of random tests are as follows:

1995
July 26, 1995
November 30, 1995

1996
April 16, 1996
November 7, 1996
December 8, 1996

1997
June 5, 1997

CFP must also establish its random pool size for the calendar year and determine the number of times (4,6,12) during the year that random tests will be done. The CFP anti-drug plan must be revised to indicate that random tests will be conducted at 25% for the year January 1, 1997 thru December 31, 1997.

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. 27603-W in any correspondence and/or communication on this matter.

Sincerely,

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

cc: Compliance Registry, OPS Headquarters

Derick/mw/DPS-25/7/8/97
FILE: cpf 27603w/Central Florida Pipeline Company
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cc: DPS-20.1, Regions, Derick