

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Robert Jasper  
General Manager  
Tehachapi-Cummings County Water District  
22901 Banducci Road (Brite Valley)  
Tehachapi, California 93561

Re: CPF No. 58013

Dear Mr. Jasper:

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 action. 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

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

	)	
In the Matter of	)	CPF No. 58013
Tehachapi-Cummings County Water District,	)	
Respondent.	)	
	)	

**FINAL ORDER**

On May 7, 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 Tehachapi, California. 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 committed violations of 49 C.F.R. Parts 192 and 199 and proposed that Respondent take certain measures to correct the alleged violations.

Respondent has not responded in writing within the 30 day time period set forth in 49 C.F.R. § 190.209. Respondent did not request a hearing and, therefore, has waived its right to one.

FINDINGS OF VIOLATION

Respondent did not contest the alleged violations. Accordingly, I find that Respondent violated the following sections of 49 C.F.R. Parts 192 and 199, as more fully described in the Notice:

49 C.F.R. § 192.603(b) -- failure to keep records necessary to administer procedures established under § 192.605;

49 C.F.R. § 192.605(b) -- failure to include procedures for operating, maintaining and repairing the pipeline in accordance with each of the requirements in Subparts L and M of Part 192 in the manual of written procedures (O & M Manual);

49 C.F.R. § 192.707 -- failure to maintain a sufficient number of pipeline markers for the aboveground and belowground portion of the pipeline;

49 C.F.R. § 199.7 -- failure to maintain and follow an anti-drug plan; and

49 C.F.R. § 199.202 -- failure to maintain and follow an alcohol misuse plan.

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

#### COMPLIANCE ORDER

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 hereby ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations.

1. Establish and maintain a formal record keeping program that meets all the requirements of § 192.603(b).
2. Establish comprehensive written procedures that address all applicable sections of Subparts L and M as required by § 192.605(b). These sections include §§ 192.605(b)(2), (4) and (5), 192.613, 192.614, 192.629(b), 192.703(c), 192.709, 192.715(a), 192.717, and 192.719.
3. Install pipeline markers for the aboveground and belowground portions of the pipeline in sufficient number to meet the requirements of § 192.707.
4. Develop, maintain and follow a written anti-drug plan that conforms to all the requirements of § 199.7.
5. Develop, maintain and follow a written alcohol misuse plan that conforms to all the requirements of § 199.202.
6. The above listed actions must be accomplished within 30 days following receipt of the Final Order.
7. Submit the required procedures and evidence of the actions taken to the Director, Western Region, Office of Pipeline Safety, Research and Special Programs Administration, 12600 West Colfax Avenue, Suite A-250, Lakewood, Colorado 80215.

- 8. The Regional Director may grant an extension of time for completion of any of the actions required herein upon receipt of a written request stating the reasons therefor.

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 the 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 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 \$25,000 per violation per day, or in the referral of the case for judicial enforcement.

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Stacey Gerard  
Associate Administrator  
for Pipeline Safety

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Date Issued