

Mr. Robert McElroy  
Manager West Coast Operations  
Tosco Corporation  
9645 South Santa Fe Springs Road  
Santa Fe Springs, CA 90670

RE: CPF No. 58537

Dear Mr. McElroy:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violations of pipeline safety standards and acknowledges completion of required corrective action. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. §190.5. This case is now closed and no further enforcement action is contemplated with respect to the matters involved in this case. Thank you for your cooperation in our joint effort to ensure pipeline safety.

Sincerely,

Gwendolyn M. Hill  
Pipeline Compliance Registry  
Office of Pipeline Safety

Enclosure

cc: Tom Lael, DOT Compliance Specialist, Tosco Corp.

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**DEPARTMENT OF TRANSPORTATION  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
WASHINGTON, DC 20590**

	)	
In the Matter of	)	
Tosco Distribution Company	)	CPF No. 58537
Respondent	)	
	)	

**FINAL ORDER**

On August 27 and 28, 1998, pursuant to 49 U.S.C. § 60117, a representative of the Western Region, Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of Respondent's breakout tank facilities in Portland, Oregon. As a result of the inspection, the Director, Western Region, OPS, issued to Respondent, by letter dated December 15, 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 committed violations of 49 C.F.R. §§ 195.402(a), 195.414(c), and 195.416(i). The Notice also proposed that Respondent take certain measures to correct the alleged violations.

Respondent responded to the Notice by letter dated June 7, 1999 (Response). Respondent did not contest the allegations of violation but provided information concerning the corrective actions it has taken. Respondent did not request a hearing and therefore, has waived its right to one.

**FINDINGS OF VIOLATION**

Respondent did not contest alleged violations § 195.404, 195.406, and 195.436 in the Notice. Accordingly, I find that Respondent violated 49 C.F.R. Part 195, as more fully described in the Notice:

49 C.F.R. §195.402(a) – failing to prepare an adequate manual of written procedures for conducting normal operations and maintenance and handling emergencies for its Portland breakout tank facilities;

49 C.F.R. §195.414(c) – failing to electrically inspect all breakout tank areas or ancillary pipelines serving those tanks to assess the need for cathodic

protection, and to provided cathodic protection where necessary; and

49 C.F.R. §195.416(i) – failing to clean, coat with material suitable for the prevention of atmospheric corrosion, and, maintain this protection for, its aboveground pipelines between the Olympic pipeline manifold and Tanks 2915 and 3408.

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. Respondent submitted information to show that it has addressed all items in the Proposed Compliance Order. Respondent revised its operations manual, installed grounding straps on both sides of the breakout tanks, completed cleaning and coating of the pipelines associated with Tanks 2915 and 3408 and conducted internal inspections in accordance with API 653. Respondent has completed all of the required corrective actions in the proposed compliance order. The Director, Western Region, OPS has accepted these measures as adequately fulfilling the requirements of the regulations and no further action is needed with respect to a compliance order.

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.

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Stacey Gerard  
Associate Administrator  
for Pipeline Safety

Date