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

901 Locust Street, Suite 480
Kansas City, MO 64106

VIA ELECTRONIC MAIL TO: Scott.Hallam@bwpipelines.com; tina.baker@bwpipelines.com

December 18, 2024

Mr. Scott Hallam
President & CEO
Boardwalk Petrochemical Pipeline, LLC
9 Greenway Plaza Suite 2800
Houston, TX 77036

CPF 3-2024-081-NOPSO

Dear Mr. Hallam:

Enclosed is a Notice of Proposed Safety Order (Notice) issued in the above-referenced case. The Notice proposes that Boardwalk Petrochemical Pipeline, LLC (BPP) take certain measures with respect to its ethylene pipeline system in Louisiana and Texas to ensure pipeline safety. Your options for responding are set forth in the Notice. Your receipt of the Notice constitutes service of that document under 49 C.F.R. § 190.5.

We look forward to a successful resolution to ensure pipeline safety. Please direct any questions on this matter to me at 816-308-2783.

Sincerely,

GREGORY ALAN OCHS Digitally signed by GREGORY ALAN OCHS
Date: 2024.12.18 15:34:39 -06'00'

Gregory A. Ochs
Director, Central Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Notice of Proposed Safety Order*

RECEIPT CONFIRMATION REQUESTED

DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
Central Region
Kansas City, MO 64106

In the Matter of	)	
Boardwalk Petrochemical Pipeline, LLC,	)	**CPF No. 3-2024-081-NOPSO**
Respondent.	)	

NOTICE OF PROPOSED SAFETY ORDER

Background and Purpose

Pursuant to Chapter 601 of title 49, United States Code, the Pipeline and Hazardous Materials Safety Administration (PHMSA) has initiated an investigation of the safety of Boardwalk Petrochemical Pipeline, LLC's (BPP or Respondent) ethylene pipeline system in Louisiana and Texas.

As a result of the investigation, it appears that conditions exist on your pipeline facilities that pose a pipeline integrity risk to public safety, property, or the environment. Pursuant to 49 U.S.C. § 60117(l), PHMSA issues this Notice of Proposed Safety Order, notifying you of the preliminary findings of the investigation, and proposing that you take measures to ensure that the public, property, and the environment are protected from the potential risk.

Preliminary Findings

- The affected pipeline is the approximately 166.64 miles long, 16-inch diameter, low-frequency electric resistance weld (LF-ERW) Boardwalk Petrochemical Pipeline (the Pipeline or BP Pipeline) transporting liquid ethylene, which is a highly volatile liquid (HVL), originating in Port Neches, Texas, and ending in Baton Rouge, Louisiana.

- A leak was discovered on the Pipeline by Colonial Pipeline (Colonial) personnel while performing maintenance work on its pipeline, which is adjacent to the BP Pipeline, on June 10, 2024. Colonial determined that the leak was not on its pipeline and notified BPP personnel. On June 14, 2024, BPP determined that its pipeline was leaking and filed a report with the NRC.[1] The leak was presumed to be caused by a PLIDCO type clamp

[1] *See* NRC Report #1402039.

failure located at Pipeline Station 847 along the Sabine River in Cameron County, Louisiana.[2]

- The leak is being monitored by BPP. The leak is being aerial patrolled every two weeks and BPP is preforming a ground non-instrumented leak survey on a bi-monthly basis. Additionally, an instrumented leak detection is being performed quarterly.

- The leak referenced above at Pipeline Station 847 along the Sabine River in Cameron County, Louisiana is unrepaired. The stability, type, and nature of the defect is unknown due to the operator not removing the PLIDCO clamp and backfilling the leak. The Pipeline is still operating, and no pressure reduction has been taken.

- The Pipeline was manufactured by Youngstown Sheet & Tube Company in 1953 and has a LF-ERW, longitudinal pipe seam. The Pipeline is 16 inches in diameter, grade X52, with a wall thickness of 0.312 inches. The coating is coal tar enamel. Pre-1971 LF-ERW pipe is well known to have failures in the long seam. BPP's 2023 Annual Report to PHMSA indicates that 166.64 out of 177.9 miles of the pipeline is LF-ERW pipe.

- Pipelines manufactured before 1971 with LF-ERW longitudinal seams are susceptible to failures due to multiple deficiencies created by the welding process including: cold welds, hook cracks that are enlarged by fatigue, other manufacturing defects enlarged by fatigue, selective seam weld corrosion, hydrogen stress cracking, sulfide stress cracking, and stress corrosion cracking.

- The Pipeline has had 18 leaks due to use of LF-ERW pipe from 2016 to present, not including the current leak. Previous integrity assessment and continual evaluation methods have proven ineffective to detect these leaks. These leaks were discovered by unknown methods that were not indicated by BPP's inline inspection (ILI) tool. Sixteen of these leaks were repaired with PLIDCO type clamps. The remaining two were cut out and replaced with new pipe.

- In 2018, BPP installed a PLIDCO type clamp to repair a failure of the LF-ERW long seam.

- BPP has stated that a PLIDCO type clamp used to repair the 2018 failure did not function as intended. This has not been confirmed as the root cause of the current failure.

- BPP did not report the 18 leaks discovered between 2016 and 2024 to the National Response Center (NRC) as required by 49 C.F.R § 195.52, nor was an accident report filed as required by § 195.54.

- The in-service failure of the LF-ERW longitudinal seam on the BP Pipeline is a condition posing a pipeline integrity risk to public safety, property, and the environment. Due to its proximity to a navigable waterway, the leak could affect a high consequence area (HCA), as defined in § 195.450.

[2] PLIDCO is a manufacturer of pipeline leak repair and maintenance fittings.

- The Pipeline transports ethylene, which is a petrochemical HVL used in the manufacture of plastics and related products. The Pipeline has a maximum operating pressure of 1336 pounds per square inch (psi). Ethylene is a very flammable product and extreme caution must be used while performing repairs on the pipeline.

- The Pipeline traverses an area dominated by wetlands and swamps along the Gulf Coast coastal plains. The climate is humid subtropical. The geology is unconsolidated, redeposited sands and clays to silty sediments of aeolian and alluvial origin.

- The Pipeline traverses the Lower Neches Water Management of Texas and the Sabine National Wildlife Refuge in Louisiana. There are 33.89 miles of Unusually Sensitive Areas (USA), which include drinking water and ecological resources, according to BPP's 2023 Annual Report.

- The Pipeline traverses several highly populated areas. These include the cities of Port Neches and Orange in Texas. These areas are industrial in character and stable in population growth. It also traverses the cities of Lake Charles, Opelousas, and Baton Rouge in Louisiana. The Pipeline generally traverses the southern side of these cities, and these areas are characterized by rapid growth of commercial and residential buildings. BPP's 2023 Annual Report states that there are 38.59 miles of High Population and Other population areas.

- Three NTSB recommendations have been issued related to ERW pipe or manufacturing defects:

    - Williams pipeline failure Mounds View, MN July 8, 1986. NTSB report PB87-916502.

      NTSB recommended that PHMSA obtain sufficient data on LF-ERW pipe and determine if its continued use presents an unreasonable hazard to public safety and take appropriate regulatory action for identified deficiencies. (Class II, Priority Action) (Safety Recommendation P-87-26).

    - Dixie Pipeline failure of Propane pipeline Carmichael, MS November 1, 2007. NTSB Report PB2009-916501.

      NTSB recommended conducting a comprehensive study to identify actions that can be implemented by pipeline operators to eliminate catastrophic longitudinal seam failures in electric resistance welded (ERW) pipe; at a minimum, the study should include assessments of the effectiveness and effects of in-line inspection tools, hydrostatic pressure tests, and spike pressure tests; pipe material strength characteristics and failure mechanisms; the effects of aging on ERW pipelines; operational factors; and data collection and predictive analysis. (Safety Recommendation P-09-1). Based on the results of the study requested in Safety Recommendation P-09-1, NTSB recommended implementing the actions needed.

(Safety Recommendation P-09-2). NTSB also recommended initiating a program to evaluate pipeline operators' public education programs, including pipeline operators' self-evaluations of the effectiveness of their public education programs. Provide the National Transportation Safety Board with a timeline for implementation and completion of this evaluation. (Safety Recommendation P-09-3).

- Pacific Gas and Electric Company failure San Bruno, CA September 9, 2010. NTSB report PB2011-916501.

  NTSB recommended amending Title 49 Code of Federal Regulations Part 192 of the Federal pipeline safety regulations so that manufacturing- and construction-related defects can only be considered stable if a gas pipeline has been subjected to a post-construction hydrostatic pressure test of at least 1.25 times the maximum allowable operating pressure. (Safety Recommendation P-11-15). NTSB recommended amending Title 49 Code of Federal Regulations § 192.619 to delete the grandfather clause and require that all gas transmission pipelines constructed before 1970 be subjected to a hydrostatic pressure test that incorporates a spike test. (Safety Recommendation P-11-14). NTSB also recommended assessing every aspect of the operator's integrity management program, paying particular attention to the areas identified in this investigation, and implement a revised program that includes, at a minimum, (1) a revised risk model to reflect the Pacific Gas and Electric Company's actual recent experience data on leaks, failures, and incidents; (2) consideration of all defect and leak data for the life of each pipeline, including its construction, in risk analysis for similar or related segments to ensure that all applicable threats are adequately addressed; (3) a revised risk analysis methodology to ensure that assessment methods are selected for each pipeline segment that address all applicable integrity threats, with particular emphasis on design/material and construction threats; and (4) an improved self-assessment that adequately measures whether the program is effectively assessing and evaluating the integrity of each covered pipeline segment. (Safety Recommendation P-11-29).

- PHMSA has issued the following advisories, reports, and regulations:

  - Alert Notice advising pipeline operators who have pipe manufactured by ERW process of the occurrence of 12 hazardous liquid pipeline failures and of actions which operators may take to reduce the risks of similar failures. Alert Notice ALN-89-01 (Mar. 8, 1989).

    PHMSA[3] advised operators who have pipe manufactured by the ERW process of actions they may take to reduce the risk of pipeline failure. PHMSA explained that "[t]he continuing failure of ERW seams remains a matter of concern…Since the issuance of [the 1988] Alert Notice, [PHMSA] has data on 8 additional hazardous

[3] This Alert Notice was issued by the Research and Special Programs Administration (RSPA), PHMSA's predecessor agency. For simplicity, this NOPSO will refer to the agency as PHMSA.

liquid pipeline failures and 1 on a gas transmission pipeline involving pipe seams manufactured prior to 1970 by the ERW process. Of the 8 additional hazardous liquid pipeline failures, 2 appear to be due to selective corrosion of the ERW seam. As stated in the 1988 Alert Notice (ALN-88-01), seams with selective corrosion occurring in an area of manufacturing defects may be particularly vulnerable to failure. However, the other failures appear to have resulted from flat growth of manufacturing defects in the ERW seam."

- "TTO Number 5 Integrity Management Program Delivery Order DTRS56-02-D-70036 Low Frequency ERW and Lap Welded Longitudinal Seam Evaluation."

  This report, commissioned by PHMSA, documents a review focused on evaluation of longitudinal seams on LF-ERW pipe and lap-welded pipe, particularly pipe manufactured before 1970, as well as DC-ERW pipe and EFW pipe. The report finds that "likely causes of seam failures that could necessitate a seam-integrity assessment are pressure cycle-induced fatigue and selective (grooving) corrosion of the bondline region of the seam. Four factors govern the possible growth of seam defects by pressure-cycle-induced fatigue: (1) the pressure cycles, (2) the presence of a family of initial flaws, (3) an environmentally affected crack-growth rate, and (4) the toughness of the pipe."

- 49 C.F.R § 195.4 Compatibility necessary for transportation of hazardous liquids or carbon dioxide.

  "No person may transport any hazardous liquid or carbon dioxide unless the hazardous liquid or carbon dioxide is chemically compatible with both the pipeline, including all components, and any other commodity that it may come into contact with while in the pipeline."

- Current assessment and continual evaluation methods do not address the threat of leaks on the LF-ERW long seam of the Pipeline. Current preventative and mitigative measures do not address the ongoing threat of leaks in the long seam.

- **History of Pipeline Compliance and Repair**
  - April 6 and November 2, 2011: Two accidents on the Pipeline occurred because of failures of a long seam weld. Both accidents were determined to be caused by a "cold weld" in the longitudinal LF-ERW pipe seam. In both cases, metallurgical analysis concluded that the cold welds were original manufacturing defects in the pipe seam.
  - Summer of 2013: 10 pinhole leaks were discovered in the long seam welds.[4]
  - September 2013: NOPV issued with a Compliance Order (CPF No. 4-2013-5019-NOPV) to perform an integrity assessment of the pipeline by a method prescribed

[4] National Response Center report numbers: 1054340, 1058513, 1058754, 1058760, 1058762, 1058766, 1058771, 1058774, 1058777, 1058779.

in Appendix G of Chevron's Pipeline Integrity Management Program Manual.[5] Hydrostatic testing of the line was performed prior to the end of 2013. A spike test was performed to 1.39 MOP; however, the testing was limited to 80 percent SMYS. As a result of hydrostatic test, 41 repairs were made. In addition, there were two failures during the hydrostatic testing. One of the ruptures occurred during the spike test.

- October 8, 2014: BPP purchases pipeline.
- October 10, 2014: A failure occurs on the long seam.
- October 20, 2014: Corrective Action Order (CAO) CPF No. 4-2014-5027H was issued. BPP took the following the actions as a result of the CAO:
  - BPP removed or replaced 27 Type A indications;
  - BPP removed or replaced 53 Type B indications;
  - BPP replaced 51 feet of pipeline with unknown grade; and
  - BPP ran TFI tool on four segments of the pipeline from December 2014 to May 2015.
- January 5, 2016: CAO (CPF No. 4-2014-5027H) closed.

- The table below shows the additional leak repairs since the 2014 CAO. BPP submitted no NRC or accident reports for these leaks.

BPP-100 Pipeline Leaks and Repairs
2016-2024

Coordinates	Stationing	Reason for Repair	Type of Repair	Date of Repair	HCA Could Affect Non-HCA
30.549573, -91.836525	7252+72	leak - manufacturer seam defect	Plidco Clamp	3/15/2016	No HCA
30.126024, -93.408027	2425+44	leak - manufacturer seam defect	Plidco Clamp	12/7/2016	HCA Drinking Water; Other Populated Area - HCA 12
30.542646, -91.915144	6999+04	leak - manufacturer seam defect	Plidco Clamp	8/22/2017	No HCA
30.051063, -93.767676	682+31	leak - manufacturer seam defect	Plidco Clamp	5/8/2018	HCA BPP-16
30.0511340, -93.767532	682+95.5	leak - manufacturer seam defect	Plidco Clamp	5/8/2018	HCA BPP-16
30.050612, -93.768367	679+05	leak - manufacturer seam defect	Plidco Clamp	5/9/2018	HCA BPP-16
30.49772, -92.04034	6569+37	leak - manufacturer seam defect	Plidco Clamp	8/14/2018	HCA 27
30.552730, -91.530267	8239+58	leak - manufacturer seam defect	Pipe replacement	11/5/2018	HCA 4
30.36090, -92.69538	4429+92	leak - manufacturer seam defect	Pipe replacement	11/13/2018	No HCA
30.0439389, -93.7281333	847+76	leak - manufacturer seam defect	Plidco Clamp	11/29/2018	HCA BPP-16
30.0439389, -93.7281333	847+74	leak - manufacturer seam defect	Plidco Clamp	11/29/2018	HCA BPP-16
30.0600167, -93.6216194	1206+91	leak - manufacturer seam defect	Plidco Clamp	12/12/2018	HCA BPP-16
30.117710, -93.421316	1947+60	leak - manufacturer seam defect	Plidco Clamp	5/15/2019	No HCA
30.382545, -92.642730	4614+67	leak - manufacturer seam defect	Plidco Clamp	9/9/2019	No HCA
30.116902, -93.422476	1891+50	leak - manufacturer seam defect	Plidco Clamp	9/13/2019	No HCA
30.117722, -93.412319	1896+23	leak - manufacturer seam defect	Plidco Clamp	9/13/2019	No HCA
30.477236, -92.112195	6328+17	leak - manufacturer seam defect	Plidco Clamp	11/14/2019	No HCA
30.161934, -93.206884	2648+43	leak - manufacturer seam defect	Plidco Clamp	12/2/2020	HCA Drinking Water; Other Populated Area - HCA 12

- The 15 locations with "Plidco Clamp" type of repair are similar to the leak at Pipeline Station 847 along the Sabine River in Cameron County, Louisiana

Proposed Issuance of Safety Order

[5] At the time of the failure, the pipeline was operated by Chevron Petrochemical Pipeline LLC (Chevron), pending a transition to BPP.

Section 60117(l) of Title 49, United States Code, provides for the issuance of a safety order, after reasonable notice and the opportunity for a hearing, requiring corrective measures, which may include physical inspection, testing, repair, or other action, as appropriate. The basis for making the determination that a pipeline facility has a condition or conditions that pose a pipeline integrity risk to public safety, property, or the environment is set forth both in the above-referenced statute and 49 C.F.R. § 190.239, a copy of which is enclosed.

In deciding whether to issue an order, PHMSA must consider the following, if relevant: (1) the characteristics of the pipe and other equipment used in the pipeline facility, including the age, manufacture, physical properties, and method of manufacturing, constructing, or assembling the equipment; (2) the nature of the material the pipeline facility transports, the corrosive and deteriorative qualities of the material, the sequence in which the material is transported, and the pressure required for transporting the material; (3) the aspects of the area in which the pipeline facility is located, including climatic and geologic conditions and soil characteristics; (4) the proximity of the area in which the hazardous liquid pipeline facility is located to environmentally sensitive areas; (5) the population density and population and growth patterns of the area in which the pipeline facility is located; (6) any recommendation of the National Transportation Safety Board made under another law; (7) the likelihood that the condition will impair the serviceability of the pipeline; (8) the likelihood that the condition will worsen over time; and (9) the likelihood that the condition is present or could develop on other areas of the pipeline.

After evaluating the foregoing preliminary findings of fact and considering the characteristics of the Pipeline, including the age of the pipe involved, the manufacturer, and the prior and ongoing failures of the pipeline; the hazardous nature of the product transported (ethylene); the uncertainty as to the root cause(s) of the failure; the existing and potential impacts to property and the environment; the susceptibility of pipelines manufactured before 1971 with LF-ERW longitudinal seams to failure; the failure to identify prior leaks with ILI tools; the ongoing nature of the leak and lack of monitoring; the pressure required for transporting such product; the characteristics of the geographical areas where the pipeline facility is located, including its proximity to HCAs, unusually sensitive areas, and highly populated areas; and the likelihood that the conditions could worsen or develop on other areas of the pipeline and potentially impact safety and serviceability, it appears that the Pipeline has a condition or conditions that pose a pipeline integrity risk to public safety, property, or the environment. The conditions described above require a comprehensive evaluation to identify and remediate integrity issues, mitigate the risk, and protect public safety, property, and the environment.

Accordingly, PHMSA issues this Notice of Proposed Safety Order to notify Respondent of the proposed issuance of a safety order and to propose that Respondent take measures specified herein to address the potential risk.

Proposed Corrective Measures

Pursuant to 49 U.S.C. § 60117(l) and 49 C.F.R. § 190.239, PHMSA proposes to issue to Boardwalk Petrochemical Pipeline, LLC (BPP), a safety order incorporating the following remedial requirements with respect to the BP Pipeline:

1. Definitions. For the purpose of this Notice, the following terms are defined as:
   (A) "Director" is the Director, Central Region, Office of Pipeline Safety (OPS), Pipeline and Hazardous Materials Safety Administration (PHMSA);
   (B) "Effective Date" is the date a safety order is issued;
   (C) "Affected Pipeline System" means the approximately 166.64 miles of the LF-ERW, 16-inch diameter Boardwalk Petrochemical Pipeline transporting liquid ethylene, originating in Port Neches, Texas, and ending in Baton Rouge, Louisiana; and
   (D) "Leak Location" means the leak identified on June 10, 2024, at Pipeline Station 847 along the Sabine River in Cameron County, Louisiana, which was reported to the NRC on June 14, 2024.

2. BPP must remove the failed section of pipe for metallurgical and failure analysis by an independent third party. BPP shall then permanently repair the pipe at the Leak Location at Station 847 no less than **30** days from the Effective Date. BPP must submit a repair plan for approval to the Director prior to repair and restart of the affected pipeline section.

3. BPP commission a root cause failure analysis (RCFA) by an independent third party of the Leak Location. The RCFA shall also review BPP's operating procedures and conduct an Safety Management System (SMS) gap analysis in accordance with "American Petroleum Institute Recommended Practice 1173 - Pipeline Safety Management Systems". This gap analysis should focus on why these other locations were not reported as an accident in accordance with CFR Part 195. BPP shall submit a preliminary report of this RCFA to the Director within **90** days of the Effective Date and the final report within **120** days of the Effective Date.

4. BPP must submit, within **60** days of the Effective Date, a Remedial Work Plan (RWP) for the evaluation of the entire Affected Pipeline System and repair of the remaining 15 PLIDCO repair locations[6] and any additional anomalies found to the Director for approval. The RWP must include:

   (A) The performance of additional field testing, inspections, and evaluations to determine whether and to what extent the conditions described in this Notice are present elsewhere on the Affected Pipeline System. The results of the inspections, field excavations, and evaluations must be made submitted to the Director.

[6] *See* Table "BP-100 Pipeline Leaks and Repairs 2016-2024," above at page 5.

(B) The performance of repairs or other corrective measures that fully remediate the identified risk condition(s). The RWP must include provisions for continuing long-term periodic testing and integrity verification measures to ensure the ongoing safe operation of the pipeline, considering the results of the analyses, inspections, and corrective measures undertaken pursuant to the safety order; and

(C) A proposed schedule for completion of the actions required by paragraphs (A) and (B) of this Item.

5. BPP must revise its RWP as necessary to incorporate new information obtained during the evaluations and associated remedial activities and submit any such plan revisions to the Director for prior approval within **15** days after the revision. The Director may approve plan elements incrementally. The RWP shall become incorporated into the safety order.

6. Respondent must implement the RWP as they are approved by the Director, including any revisions to the plan.

7. BPP must submit quarterly reports to the Director that: (1) include available data and results of the testing and evaluations required by the safety order; and (2) describe the progress of the repairs and other remedial actions being undertaken.

8. The Director may grant an extension of time for compliance with any of the terms of the safety order upon a written request timely submitted demonstrating good cause for an extension.

9. Respondent may appeal any decision of the Director to the Associate Administrator for Pipeline Safety. Decisions of the Associate Administrator shall be final.

10. It is requested that BPP maintain documentation of the safety improvement costs associated with fulfilling this Safety Order and submit the total to the Director. It is requested that these costs be reported in two categories: (1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and (2) total cost associated with replacements, additions and other changes to pipeline infrastructure.

PHMSA believes that the above Proposed Corrective Measures will provide a level of safety equivalent to that provided for in Part 195 and will ensure that BPP performs inspections, corrective actions, and mitigation actions necessary to identify any additional leaks and other safety issues that may be presently affecting the Affected Pipeline System, and to ensure the integrity and safety of the Pipeline.

The actions proposed by this Notice of Proposed Safety Order are in addition to and do not waive any requirements that apply to Respondent's pipeline system under 49 C.F.R. Parts 190 through 199, under any other order issued to Respondent under authority of 49 U.S.C. § 60101 et seq., or under any other provision of Federal or state law.

After receiving and analyzing additional data in the course of this proceeding and implementation of the work plan, PHMSA may identify other safety measures that need to be taken. In that event, Respondent will be notified of any proposed additional measures and, if necessary, amendments to the work plan or safety order.

Response to this Notice

In accordance with § 190.239, BPP has 30 days following receipt of this Notice to submit a written response to the official who issued the Notice. If BPP does not respond within 30 days, this constitutes a waiver of BPP's right to contest this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to BPP and to issue a Safety Order. In BPP's response, BPP may notify that official that BPP intends to comply with the terms of the Notice as proposed, or BPP may request that an informal consultation be scheduled (BPP will also have the opportunity to request an administrative hearing before a safety order is issued). Informal consultation provides BPP with the opportunity to explain the circumstances associated with the risk conditions alleged in the notice and, as appropriate, to present a proposal for a work plan or other remedial measures, without prejudice to BPP's position in any subsequent hearing.

If BPP and PHMSA agree within 30 days of informal consultation on a plan and schedule for you to address each identified risk condition, we may enter into a written consent agreement (PHMSA would then issue an administrative consent order incorporating the terms of the agreement). If a consent agreement is not reached, or if BPP has elected not to request informal consultation, BPP may request an administrative hearing in writing within 30 days following receipt of the Notice or within 10 days following the conclusion of an informal consultation that did not result in a consent agreement, as applicable. Following a hearing, if the Associate Administrator finds the facility to have a condition that poses a pipeline integrity risk to the public, property, or the environment in accordance with § 190.239, the Associate Administrator may issue a safety order.

Be advised that all material BPP submits in response to this enforcement action is subject to being made publicly available. If BPP believes that any portion of its responsive material qualifies for confidential treatment under 5 U.S.C. § 552(b), along with the complete original document BPP must provide a second copy of the document with the portions it believes qualify for confidential treatment redacted and an explanation of why BPP believes the redacted information qualifies for confidential treatment under 5 U.S.C. § 552(b).

In BPP's correspondence on this matter, please refer to CPF **3-2024-081-NOPSO** and for each document it submits, please provide a copy in electronic format whenever possible.

Gregory A. Ochs

12/18/2024

Gregory A. Ochs
Director, Central Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration

Date Issued