

August 16, 2021

VIA ELECTRONIC MAIL TO: jhartz@ugies.com

Mr. Joseph L. Hartz
President
UGI Energy Services, LLC
1 Meridian Blvd.
Wyomissing, PA 19610

Re: CPF No. 1-2021-052-NOPV

Dear Mr. Hartz:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and specifies actions that need to be taken to comply with the pipeline safety regulations. When the terms of the compliance order are completed, as determined by the Director, Eastern Region, this enforcement action will be closed. Service of the Final Order by electronic mail is effective upon the date of transmission as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. Robert Burrough, Director, Eastern Region, Office of Pipeline Safety, PHMSA
Mr. Frank Markle, Senior Counsel, UGI Energy Services, LLC, fmarkle@ugies.com
Mr. Keith Coyle, Counsel, UGI Energy Services, LLC, kcoyle@ugies.com

CONFIRMATION OF RECEIPT REQUESTED

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

_____)	
In the Matter of)	
)	
UGI Energy Services, LLC,)	CPF No. 1-2021-052-NOPV
a subsidiary of UGI Corporation,)	
)	
Respondent.)	
_____)	

FINAL ORDER

On June 24, 2021, pursuant to 49 C.F.R. § 190.207, the Director, Eastern Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to UGI Energy Services, LLC, a wholly-owned subsidiary of UGI Corporation (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 199.¹ The Notice also proposed certain measures to correct the violations. Respondent did not contest the allegations of violation or corrective measures.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 199.101 (**Item 3**) — Respondent failed to maintain and follow a written anti-drug plan that conforms to the requirements of Part 199 and the DOT Procedures; and

49 C.F.R. § 199.202 (**Item 4**) — Respondent failed to maintain and follow a written alcohol misuse plan that conforms to the requirements of Part 199 and the DOT Procedures concerning alcohol testing programs.

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

¹ Pursuant to § 199.5, violations of the DOT Procedures in 49 CFR Part 40 for anti-drug and alcohol programs required by Part 199 would be violations of Part 199.

COMPLIANCE ACTIONS

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the actions proposed in the enclosed Notice to correct the violations. The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension. Upon completion of ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

WARNING ITEMS

With respect to Items 1 and 2, the Notice alleged probable violations of 49 C.F.R. §§ 40.25 and 40.347, respectively, but did not propose a civil penalty or compliance order for these items. Therefore, these are considered to be warning items. If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

August 16, 2021

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued