



## Colonial Pipeline Company

**John W. Somerhalder II**  
President and  
Chief Executive Officer

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### ***E-MAIL AND U.S. MAIL***

June 14, 2017

Robert Burrough  
Acting Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration  
Office of Pipeline Safety  
409 3<sup>rd</sup> Street, SW, Suite 300  
Washington, DC 20024

Subject: Notice of Probable Violation and Proposed Civil Penalty  
CPF No. 1-2017-5013

Dear Mr. Burrough:

This letter is in response to PHMSA's Notice of Probable Violation and Proposed Civil Penalty CPF No. 1-2017-5013 (the "Notice" or "NOPV"), dated April 27, 2017 and received by Colonial on April 28, 2017, relating to an investigation at the Cobbs Creek Relocation Project in Cumberland County, VA. by representatives from the Virginia State Corporation Commission (VASCC) acting as Agents of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code.

The NOPV provides that Colonial has 30 days from receipt of the Notice to submit written explanations, information, or other materials in response to the allegations and/or seek elimination or mitigation of the proposed civil penalty, and/or to request a hearing. On May 8, 2017, Colonial requested the Pipeline Safety Violation Report and Proposed Civil Penalty Worksheet relating to this matter. PHMSA's response, received by Colonial on May 15, 2017, granted Colonial an additional 30 days from receipt of PHMSA's response to respond to the NOPV. Accordingly, this written response is timely.

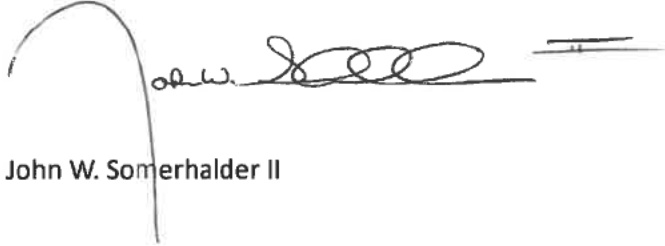
Although Colonial is not disputing the alleged violation, Colonial seeks mitigation of the proposed penalty in the amount of \$3,456.

Colonial sought and obtained a copy of the Pipeline Safety Violation Report relating to this matter. As set forth in Part C- History of Prior Offenses, PHMSA'S penalty factors consider history of prior offenses "for a 5 year period prior to the approximate date of the inspection's NOPV letter". In this matter, PHMSA's proposed penalty includes consideration of CPF No. 1-2011-5007 (Case #120115007) Final Order dated May 24, 2012. *See Pipeline Safety Violation Report, Part C.* Even though the Final Order was issued within the 5-year period, the underlying offense of the Final Order related to an October 26-29, 2010 onsite inspection. As the offense

occurred outside the 5-year window, Colonial respectfully requests the penalty be mitigation in the amount of \$3,456 (e.g. calculated by taking the total penalty of \$32,832, dividing that amount by a total of 19 points, and then multiplying that amount times the number of points (2) associated with the offense). See *PHMSA – Proposed Civil Penalty Worksheet*.

If you should have any questions concerning any of the information contained herein, please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "John W. Somerhalder II", with a long horizontal line extending to the right.

John W. Somerhalder II

c.c. Jonathan Bernhardt, Manager, PHMSA Compliance