

**Before the
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety**

_____)	
In the Matter of)	
)	
Colonial Pipeline Company)	CPF No. 2-2018-5003
)	Notice of Probable Violation
)	
Respondent)	
_____)	

WITHDRAWAL OF REQUEST FOR HEARING

The Pipeline and Hazardous Materials Safety Administration (PHMSA or the Agency), Southern Region, issued a Notice of Probable Violation (NOPV) to Colonial Pipeline Company (Colonial or the Company) on August 28, 2018. The NOPV included a Proposed Compliance Order (PCO). Colonial filed a Request for Hearing, Written Response, and Preliminary Statement of Issues on the PCO on September 28, 2018, to provide additional explanation and clarifications with respect to the allegations in NOPV Items 1 and 2, request a reduction and penalty, and to contest the associated elements in the PCO, pursuant to 49 C.F.R. Parts 190.208 (b)(4) and 190.211.

Colonial simultaneously requested a settlement meeting with the PHMSA Southern Region to determine whether the issues in dispute could be narrowed or resolved. Following settlement discussions and an exchange of correspondence (copies attached), the parties have reached agreement on the terms of the PCO and eliminated the need for a hearing. Colonial therefore withdraws its Request for Hearing filed pursuant to 49 C.F.R. Parts 190.208 and 190.211.

Colonial appreciates PHMSA's willingness to engage in productive settlement discussions. Based on those discussions and as reflected in the attached correspondence to and from the PHMSA Southern Region, the Company withdraws its Request for Hearing and requests that PHMSA issue a Final Order that reflects the agreement between the parties.

Respectfully Submitted,



TROUTMAN SANDERS LLP
Counsel for Colonial Pipeline Company
Catherine D. Little, Esq.

Annie M. Cook, Esq.
600 Peachtree Street NE, Suite 3000
Atlanta, GA 30308
(404) 885-3056

Date: October 29, 2019

From: Urisko, James (PHMSA) <james.urisko@dot.gov>
Sent: Sunday, October 27, 2019 6:52 PM
To: Piazza, Mark
Cc: Pittman, Forrest (PHMSA); Sims, Carole; Little, Catherine D.
Subject: RE: Colonial Pipeline Company - 2-2018-5003 Colonial; call to discuss PCO and hearing dates
Attachments: CPF NO. 2-2018-5003 Letter to Urisko.pdf

EXTERNAL SENDER

Hi Mark et Al. This email serves as the Southern Region's official response and acceptance of the milestones, benchmarks, and timeframes proposed in the attached document, dated October 25, 2019. Further, this email serves as my commitment to work fluidly and flexibly with Colonial upon issuance of any Order, should any timeframes or deliverables require reconsideration or adjustment. Again, I appreciate Colonial's adaptability, and willingness to work with the Region toward a mutually acceptable resolution.

From: Piazza, Mark [mailto:mpiazza@colpipe.com]
Sent: Friday, October 25, 2019 2:24 PM
To: Urisko, James (PHMSA) <james.urisko@dot.gov>
Cc: Pittman, Forrest (PHMSA) <forrest.pittman@dot.gov>; Sims, Carole <CSims@colpipe.com>; Little, Catherine D. <Catherine.Little@troutman.com>
Subject: Colonial Pipeline Company - 2-2018-5003 Colonial; call to discuss PCO and hearing dates

James,

Thanks for taking time to talk with me today regarding the NOPV issued to Colonial regarding our OQ program. The attached letter outlines Colonial's approach to addressing the items identified in the NOPV and Proposed Compliance Order. I will follow up with you to talk directly about the Hearing (hopefully we don't need it) and working toward a favorable resolution of the NPOV and PCO.



Mark Piazza

Colonial Pipeline Company – Pipeline Compliance and R&D
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Colonial Pipeline Company

Mark Piazza
Manager, Pipeline Compliance and R&D

Phone: (678) 762-2531
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October 25, 2019

James Urisko, Region Director
Pipeline and Hazardous Materials Safety Administration
Southern Region
Office of Pipeline Safety
230 Peachtree Street NW, Suite 2100
Atlanta, Georgia 30303

Re: Colonial Pipeline Company Notice of Probable Violation (NOPV)
CPF No. 2-2018-5003

Dear Mr. Urisko:

As you know, the above referenced NOPV was issued to Colonial Pipeline Company (Colonial or the Company) by the Southern Region of the Pipeline and Hazardous Materials Safety Administration (PHMSA) on August 28, 2018. In response, Colonial filed a Request for Hearing primarily because of the scope and deadlines contained in the Proposed Compliance Order (PCO) that accompanied the NOPV. Colonial also requested a meeting with the Southern Region, in hopes of resolving this matter without resort to a Hearing. Following the parties' meeting in July 2019 and further discussions via email and telephone, Colonial is writing to confirm that the following tasks and extended deadlines are both acceptable to PHMSA and that PHMSA concurs that they comply with the Proposed Compliance Order contained in the NOPV.

Tasks	Projected Timeframe	Deliverables
Gap Analysis - Colonial Procedures vs. API RP 1161 Covered Tasks	12-15 months	Protocols for Gap Analysis Gap Analysis Report Procedure for Managing, Documenting, and Addressing Communication on Gaps
Develop Audit Protocols and Process for OQ Service Provider Programs relative to API RP 1161	3 months	Audit Protocols and Process for Auditing Vendor Programs
Conduct Audits of Vendor Programs relative to API RP 1161	36-60 months	Audit reports – individual for each covered task and consolidated
Quarterly Progress Reports	Every 3 months	Reports on Colonial actions and results

Once Colonial receives written confirmation that the Southern Region accepts the tasks and deadlines proposed above by Colonial and concurs that they meet the requirements of the Proposed Compliance Order, the Company will withdraw its Hearing Request concerning the NOPV within 10 (ten) days. In

addition, Colonial will commence its efforts with respect to these tasks within sixty (60) days of receipt of the Southern Region's acceptance and provide updated deadlines for each task to the Southern Region.

Should you have any questions, please let me know.

Sincerely,



Mark Piazza
Pipeline Compliance and R&D

cc: Forrest A. Pittman (PHMSA counsel)
Catherine D. Little (Troutman Sanders)
Carole P. Sims (Colonial in-house counsel)

DRAFT