

September 17, 2021

U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration (PHMSA)  
Greg Ochs  
Director, Central Region, OPS  
901 Locust Street, Suite 480  
Kansas City, Missouri 64106-2641

RE: CPF 3-2021-010-NOPV  
Notice of Probable Violation Proposed Civil Penalty  
Caliber Spring Creek LLC (CSC)– OPID 40010

Dear Mr. Ochs,

On August 20, 2021, CSC received Notice of Probable Violation (NOPV) Proposed Civil Penalty CPF 3-2021-010-NOPV. Below is CSC's response to the NOPV and proposed civil penalty.

**NOPV/Civil Penalty Item:**

1. **§ 194.7 Operating restrictions and interim operating authorization.**
  - (a) ...
  - (b) **An operator must operate its onshore pipeline facilities in accordance with the applicable response plan.**

CSC failed to operate its facilities in accordance with its response plan as required by § 194.7(b). Operators must have a drill program as part of its response plans under § 194.107(c)(1)(ix). CSC's drill program required the operator to perform a Qualified Individual drill in the first quarter of 2020. During the virtual inspection, CSC's Director of Regulatory, Safety and Compliance informed PHMSA inspectors that CSC failed to perform the first quarter 2020 Qualified Individual drill as required. CSC has therefore failed to operate in accordance with its response plan under § 194.7(b).

**CSC Response:**

The CSC drill program does require Qualified Individual drills to ensure highest level of preparedness is documented. This item has been resolved by CSC to ensure continuous compliance since the second quarter of 2020 and is ongoing. CSC is not contesting the proposed violation and agrees to pay the proposed civil penalty in the amount of \$19,000 and will do so once the final order is issued by PHMSA as outlined in §190.227(b).



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Please feel free to contact me directly concerning any questions or comments at (720) 630-2658 or at [cbutero@calibermidstream.com](mailto:cbutero@calibermidstream.com).

Sincerely,

A handwritten signature in blue ink that reads "Carol Butero".

Carol Butero  
Director of Regulatory, Safety, and Compliance