

December 30, 2021

**VIA ELECTRONIC MAIL TO: tom.nimbley@pbfenergy.com**

Mr. Thomas Nimbley  
Chairman and Chief Executive Officer  
PBF Energy, Inc.  
1 Sylvan Way, Second Floor  
Parsippany, NJ 07054

**CPF No. 1-2021-077-CAO**

Dear Mr. Nimbley:

Enclosed please find a Corrective Action Order (CAO) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), in the above-referenced case. It requires Collins Pipeline Company, LLC (Respondent), a subsidiary of PBF Energy, Inc., to take certain corrective actions with respect to a rupture that occurred on its 16-inch Meraux Pipeline near the Mississippi River Gulf Outlet levee in St. Bernard Parish, Louisiana.

Service of the CAO by electronic mail is deemed complete upon transmission and acknowledgement of receipt, or as otherwise provided under 49 C.F.R. § 190.5. The terms and conditions of this Order are effective upon completion of service.

Sincerely,

Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

Enclosure: CAO

cc: Ms. Linda Daugherty, Deputy Associate Administrator for Field Operations, OPS  
Mr. Robert Burrough, Director, Eastern Region, OPS  
Mr. Christopher Carrington, Environmental Manager, PBF Energy, Inc.,  
christopher.carrington@pbfenergy.com  
Mr. Thomas J. McLane, Director, Regulatory Compliance, PBF Logistics, LP,  
thomas.mclane@pbfenergy.com

**CONFIRMATION OF RECEIPT REQUESTED**

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<b>In the Matter of</b>	)	
	)	
<b>Collins Pipeline Company, LLC,</b>	)	
<b>a subsidiary of PBF Energy, Inc.,</b>	)	<b>CPF No. 1-2021-077-CAO</b>
	)	
<b>Respondent.</b>	)	
	)	

<sup>2</sup> The Meraux Pipeline is downstream of the Chalmette Refinery.

release contaminated the soil of the field and 1,200 BBLs were recovered, collectively, from the two ponds.

Prior to the rupture, the Meraux Pipeline operated at a reduced maximum operating pressure (MOP) of approximately 1398 pounds per square inch gauge (psig) due to the Respondent's discovery of two metal loss anomalies in October 2020. The failure occurred at mile post 3.79, the location of one of the two anomalies, which had not yet been repaired. The cause of the failure is currently unknown.

Collins deployed personnel to the site to run a containment and preventative boom to ensure that additional product did not reach the two ponds. Collins personnel also mobilized equipment to remove product and contaminated soil from the environment. The Louisiana Department of Environmental Quality (DEQ) and the Louisiana Department of Wildlife and Fisheries responded to the Accident. PHMSA's Accident Investigation Division (AID) also deployed and arrived onsite at 07:00 CST on December 29, 2021.

Pursuant to 49 U.S.C. § 60117, PHMSA initiated an investigation of the Accident. The preliminary findings of the Agency's ongoing investigation are as follows:

### **Preliminary Findings**

- At approximately 09:30 CST on December 27, 2021, Collins personnel observed pressure gauges and flow meter measurements that indicated there was a leak on its 16-inch Meraux Pipeline. Immediately thereafter, the pipeline was shut in.
- At approximately 17:30 CST on December 27, 2021, 8 hours later, Collins personnel visually confirmed that the Meraux Pipeline ruptured, resulting in a release of low sulfur diesel.
- Collins reported the Accident to the National Response Center (NRC) at 18:16 CST on December 27, 2021 (NRC Report No. 1325365), indicating it released an unknown amount of low sulfur diesel into soil, nearly nine hours after shutting in the pipeline.
- Collins initially reported a release of approximately 200-300 BBLs of low sulfur diesel, producing a 10-yard by 30-yard pool in a field on the onshore side of a concrete barrier wall near the MRGO levee, approximately 5 miles from Chalmette Refinery in St. Bernard Parish in southeastern Louisiana and 3.79 miles downstream of the Meraux pump station. As of December 28, 2021, the estimated loss of low sulfur diesel was increased to 7,200 BBLs based on SCADA information and drain down volume.
- The failure site is located at the anomaly at mile post 3.79. It is 3.79 miles from the Meraux pump station and approximately 5 miles from Chalmette Refinery in St. Bernard Parish.

- There were no fires, injuries, fatalities, or evacuations associated with the Accident.
- State and federal agencies responded, including the Louisiana DEQ and the Louisiana Department of Wildlife and Fisheries. PHMSA's AID also deployed and arrived onsite at 07:00 CST on December 29, 2021.
- Clean up operations are underway. Private oil spill response organizations under contract with Collins are onsite. Collins personnel began containment and remediation work on December 27, 2021. On December 29, 2021 Collins began excavation of the affected pipe. Cannons are in place to deter wildlife from the site.
- The Meraux Pipeline is a 16-inch, 124.52-mile interstate pipeline, beginning at the outlet of the Meraux pump station in St. Bernard Parish, Louisiana and ending at the T&M Terminal in Collins, Mississippi. The Meraux Pipeline traverses high consequence areas (HCA), as defined in 49 C.F.R. § 195.450. Approximately 72 miles of the Meraux Pipeline is designated as an HCA due to its proximity to an unusually sensitive area (USA) drinking water resource, as defined in 49 C.F.R. § 195.6(a), and approximately 105 miles is designated as an HCA due to its proximity to an USA ecological resource, as defined in 49 C.F.R. § 195.6(b).
- The failure is located within an HCA, only a few hundred feet from the Mississippi River.
- Construction of the Meraux Pipeline started in 1970 and was completed in 1979. It has a 16-inch nominal diameter with 0.344-inch wall thickness. The pipeline consists of X-52 grade seamless pipe. The pipe coating type is somastic (asphalt, asbestos fiber, sand, and a mineral filler) and has an impressed cathodic protection system.
- Prior to the rupture, the Meraux Pipeline operated at a reduced MOP of 1398 psig. As of December 29, 2021, the Meraux Pipeline's actual operating pressure prior to the Accident has not been determined.
- On October 15, 2020, an ultrahigh-resolution magnetic flux leakage inline inspection (MFL- ILI) tool run was completed on the pipeline by a third-party vendor. The October 15, 2020 MFL-ILI survey results (hereafter, MFL-ILI) indicated an area of interacting external pitting 266-inches long by 25-inches wide near the failure location. The anomaly with the most metal loss within the area of interacting pitting was an apparent 75 percent metal loss anomaly near the MRGO levee at mile post 3.79 (MRGO levee anomaly). In accordance with 49 C.F.R. § 195.452(h)(4)(i)(A), a 75 percent metal loss meets the immediate repair criteria when including tool tolerance. However, after the Respondent's field evaluation of other anomalies nearby in 2021, the MFL-ILI was reevaluated by the vendor and the anomaly was re-graded to 66 percent deep, meeting the criteria for a 180-day repair in accordance with 49 C.F.R. § 195.452(h)(4)(iii).

- The MFL-ILI indicated another anomaly, which after the Respondent's field verification was determined to be internal metal loss due to a manufacturing defect measured at 56 percent in depth. This anomaly was repaired with a full encirclement sleeve in December 2020.
- Collins instituted a temporary pressure reduction from 1440 psig to 1402 psig on November 11, 2020 using pressure recalculations based on the MFL-ILI identified metal loss. In accordance with 49 C.F.R. § 191.23, Collins filed a Safety Related Condition report with PHMSA on November 16, 2020. A further pressure reduction to 1398 psig was initiated on November 11, 2021, due to the MRGO levee anomaly not being remediated within the regulatory required time frame of 180 days. Because the pressure reduction exceeded 365 days, Collins filed an Integrity Management Notification for the MRGO levee anomaly on November 11, 2021, as required by 49 C.F.R. § 195.452(h)(1)(ii). The failure occurred on or near the MRGO levee anomaly.
- The pipeline remains shut down and shut in. The operator is in the process of recovering product from the failure site.
- The root cause of the Accident remains unconfirmed at this time. However, preliminary reports indicate that the probable cause is likely localized corrosion and metal loss.

### **Determination of Necessity for Corrective Action Order and Right to Hearing**

Section 60112 of title 49, United States Code, authorizes PHMSA to determine that a pipeline facility is or would be hazardous to life, property, or the environment and if there is a likelihood of serious harm, to expeditiously order the operator of the facility to take necessary corrective action, including suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other appropriate action. An order issued expeditiously must provide an opportunity for a hearing as soon as practicable after the order is issued.

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; and (7) any other factors PHMSA may consider as appropriate.

After evaluating the foregoing preliminary findings of fact, and having considered the characteristics of the pipeline, including the size of the corrosion area identified in the MFL-ILI (interacting external pitting 266-inches long by 25-inches wide); the location of another anomaly at mile post 52.17, which was identified in the MFL-ILI and initially met the condition for an immediate repair, and was subsequently repaired with a full encirclement sleeve; the Accident's location in an HCA near the MRGO levee and the Mississippi River; the hazardous nature of the material (diesel) transported; the uncertainty as to the root cause of the Accident; the length of time it took Collins to identify the leak; the sensitive environmental areas in the vicinity of the pipeline; ongoing impacts to the environment and wildlife; and the risk of additional, related accidents, I find that continued operation of the *Affected Pipeline*, as defined below, without corrective measures is or would be hazardous to life, property, or the environment, and that failure to issue this Order expeditiously would result in the likelihood of serious harm.

Accordingly, this Order mandating immediate corrective action is issued expeditiously without prior notice and opportunity for a hearing. The terms and conditions of this Order are effective upon receipt.

Within 10 days of receipt of this Order, Respondent may request a hearing, to be held as soon as practicable, by notifying the Associate Administrator for Pipeline Safety in writing, with a copy to the Director, Eastern Region, PHMSA. If a hearing is requested, it will be held in accordance with 49 C.F.R. § 190.211.

After receiving and analyzing additional data in the course of this investigation, PHMSA may identify other corrective measures that need to be taken. Respondent will be notified of any additional measures required and, if appropriate, PHMSA will consider amending this Order. To the extent consistent with safety, Respondent will be afforded notice and an opportunity for a hearing prior to the imposition of any additional corrective measures.

## **Required Corrective Actions**

### Definitions:

***Affected Pipeline*** – The “*Affected Pipeline*” means the Collins Meraux Pipeline, which is approximately 124.52 miles long, beginning at the outlet of the Meraux pump station in St. Bernard Parish, Louisiana and ending at the T&M Terminal in Collins, Mississippi.

***Isolated Segment*** – The “*Isolated Segment*” means the 9.49 miles of the Meraux Pipeline, beginning at the Meraux pump station in St. Bernard Parish, Louisiana and ending at Valve 2 near mile post 9.5 in Orleans Parish, Louisiana.

***Director*** – PHMSA, OPS Eastern Region

Pursuant to 49 U.S.C. 60112, I hereby order Collins to immediately take the following corrective actions:

1. ***Shutdown of the Isolated Segment.*** The *Isolated Segment* is currently out of service. The *Isolated Segment* must remain shut-in and may not be operated until authorized to be restarted by the Director in accordance with the terms of this Order.
2. ***Operating Pressure Restriction.*** Collins must reduce and maintain a twenty percent (20%) pressure reduction in the actual operating pressure along the entire length of the *Affected Pipeline* such that the operating pressure along the *Affected Pipeline* will not exceed eighty percent (80%) of the actual operating pressure in effect immediately prior to the failure.
  - a. This pressure restriction is to remain in effect until written approval to increase the pressure or approval to return the pipeline to its pre-failure operating pressure is obtained from the Director.
  - b. Within 15 days of receipt of this Order, Collins must provide the Director the actual operating pressures of each pump station and each main line pressure transmitter on the *Affected Pipeline* at the time of failure and the reduced pressure restriction set-points at these same locations.
  - c. This pressure restriction requires any relevant remote or local alarm limits, software programming set-points or control points, and mechanical over-pressure devices to be adjusted accordingly.
  - d. When determining the pressure restriction set-points, Collins must take into account any in-line inspection (ILI) features or anomalies present in the *Affected Pipeline* to provide for continued safe operation while further corrective actions are completed.
  - e. Collins must review the pressure restriction monthly by analyzing the operating pressure data, taking into account any ILI features or anomalies present in the *Affected Pipeline*. Collins must immediately reduce the operating pressure further to maintain the safe operations of the *Affected Pipeline*, and notify the Director to revise the remedial work plan (Item 9 below), if warranted by the monthly review. Further, Collins must submit the results of the monthly review to the Director including, at a minimum, the current discharge set-points (including any additional pressure reductions), and any pressure exceedance at discharge set-points. Submittals must be made quarterly, in accordance with Item 16 below.
3. ***Mechanical and Metallurgical Testing.*** Within 45 days of receipt of this Order, Collins must complete mechanical and metallurgical testing and failure analysis of the failed pipe, including an analysis of soil samples and any foreign materials. Mechanical and metallurgical testing must be conducted by an independent third-party acceptable to the Director. The independent third-party must document its analysis and evaluation of the failed pipe and any other factors that contributed to the failure of the pipe. Collins must complete the testing and analysis as follows:
  - a. Document the chain-of-custody when handling and transporting the failed pipe section and other evidence from the failure site.
  - b. Within 10 days of receipt of this Order, develop and submit the testing protocol and the proposed testing laboratory to the Director for prior approval.
  - c. Prior to beginning the mechanical and metallurgical testing, provide the Director with

- the scheduled date, time, and location of the testing to allow for an OPS representative to witness the testing.
- d. Ensure the testing laboratory distributes all reports whether draft or final in their entirety to the Director at the same time they are made available to Collins.
4. ***Instrumented Leakage Survey.*** Within 30 days of receipt of this Order, Collins must perform an aerial or ground instrumented leakage survey of the *Affected Pipeline*. Collins must investigate all leak indications and remedy all leaks discovered. Collins must submit documentation of this survey to the Director within 45 days of receipt of this Order.
  5. ***Records Verification.*** As recommended in PHMSA Advisory Bulletin 2012-06, Collins must verify the records for the *Affected Pipeline* to confirm the MOP. Collins must submit documentation of this record verification to the Director within 45 days of receipt of this Order.
  6. ***Review of Prior Inline Inspection (ILI) Results.*** Within 30 days of receipt of this Order, Collins must conduct a review of any previous ILI results of the *Affected Pipeline*. In its review, Collins must re-evaluate all ILI results from the past 10 calendar years, including a review of the ILI vendors' raw data and analysis. Collins must determine whether any features were present in the failed pipe joints from the Accident and any other pipe removed. Collins must also determine if any features with similar characteristics are present elsewhere on the *Affected Pipeline*. Collins must submit documentation of this ILI review to the Director within 60 days of receipt of this Order as follows:
    - a. List all ILI tool runs, tool types, and the calendar years of the tool runs.
    - b. List, describe (type, size, wall loss, etc.), and identify the specific location of all ILI features present in the failed joint and other pipe removed.
    - c. List, describe (type, size, wall loss, etc.), and identify the specific location of all ILI features with similar characteristics present elsewhere on the *Affected Pipeline*.
    - d. Explain the process used to review the ILI results and the results of the reevaluation.
  7. ***Emergency Response Plan and Training Review.*** Collins must review and assess the effectiveness of its emergency response plan with regards to the failure. Collins must include in the review and assessment the on-scene response and support, coordination, and communication with emergency responders and public officials. Also, Collins must include a review and assessment of the effectiveness of its emergency training program. Collins must amend its emergency response plan and emergency training, if necessary, to reflect the results of this review. Further, as part of this review, Collins must review controller response to all alarms prior to, and following, confirmation of the rupture. Collins must also review the controllers' coordination and communications with internal and external stakeholders prior to and throughout this accident response. Documentation of this *Emergency Response Plan and Training Review* and any amended plans must be provided to the Director within 120 days of receipt of this Order.
  8. ***Root Cause Failure Analysis.*** Within 120 days following receipt of this Order, an independent third-party, retained by Collins and approved by the Director, must complete a *root cause failure analysis* (RCFA) and submit a final report of this RCFA to the Director.



The RCFA must document Collins' decision-making process prior to the Accident and evaluate all factors contributing to the failure. The final report must include findings and any lessons learned and whether the findings and lessons learned are applicable to other locations within Collins' pipeline system.

9. ***Remedial Work Plan (RWP).***

- a. Within 120 days following receipt of this Order, Collins must submit a *remedial work plan* (RWP) to the Director for approval.
- b. The Director may approve the RWP incrementally without approving the entire RWP.
- c. Once approved by the Director, the RWP will be incorporated by reference into this Order.
- d. The RWP must specify the tests, inspections, assessments, evaluations, and remedial measures Collins will use to verify the integrity of the *Affected Pipeline*. It must address all known or suspected factors and causes of the Accident. Collins must consider the risks and consequences of another failure to develop a prioritized schedule for RWP-related work along the *Affected Pipeline*.
- e. The RWP must:
  - i. Identify pipe in the *Affected Pipeline* with characteristics similar to the contributing factors identified for the Accident.
  - ii. Incorporate all data necessary to review the failure history (in service and pressure test failures) of the *Affected Pipeline*, such as the locations, dates, and causes of leaks and failures.
  - iii. Integrate the results of the metallurgical testing, root cause failure analysis, and other corrective actions required by this Order with all relevant pre-existing operational and assessment data for the *Affected Pipeline*. Pre-existing operational data includes, but is not limited to, design, construction, operations, maintenance, testing, repairs, prior metallurgical analyses, and any third-party consultation information. Pre-existing assessment data includes, but is not limited to, ILI tool runs, hydrostatic pressure testing, direct assessments, close interval surveys, and DCVG/ACVG surveys.
  - iv. Determine if conditions similar to those contributing to the Accident are likely to exist elsewhere on the *Affected Pipeline*.
  - v. Conduct additional field tests, inspections, assessments, and evaluations to determine whether, and to what extent, the conditions associated with the Accident and other failures from the failure history (see (e)(ii) above) or any other integrity threats are present elsewhere on the *Affected Pipeline*. At a minimum, this process must consider all failure causes and specify the use of one or more of the following:
    - 1) ILI tools that are technically appropriate for assessing the pipeline system based on the cause of Accident and that can reliably detect and identify anomalies;
    - 2) Hydrostatic pressure testing;

- 3) Close-interval surveys;
  - 4) Cathodic protection surveys, to include interference surveys in coordination with other utilities (e.g. underground utilities, overhead power lines, etc.) in the area;
  - 5) Coating surveys;
  - 6) Stress corrosion cracking surveys;
  - 7) Selective seam corrosion surveys; and
  - 8) Other tests, inspections, assessments, and evaluations appropriate for the failure causes.
- vi. Describe the inspection and repair criteria Collins will use to prioritize, excavate, evaluate, and repair anomalies, imperfections, and other identified integrity threats. Include a description of how any defects will be graded and a schedule for repairs or replacement.
  - vii. Based on the known history and condition of the *Affected Pipeline*, describe the methods Collins will use to repair, replace, or take other corrective measures to remediate the conditions associated with the Accident and to address other known integrity threats along the *Affected Pipeline*. The repair, replacement, or other corrective measures must meet the criteria specified in (e)(vi) above.
  - viii. Implement continuing long-term periodic testing and integrity verification measures to ensure the ongoing safe operation of the *Affected Pipeline* considering the results of the analyses, inspections, evaluations, and corrective measures undertaken pursuant to the Order.
- f. Include a proposed schedule for completion of the RWP.
  - g. Collins must revise the RWP as necessary to incorporate new information obtained during the failure investigation and remedial activities, to incorporate the results of actions undertaken pursuant to this Order, and to incorporate modifications required by the Director.
  - h. Submit any plan revisions to the Director for prior approval.
    - i. The Director may approve plan revisions incrementally.
    - ii. All revisions to the RWP after it has been approved and incorporated by reference into this Order will be fully described and documented in the *CAO Documentation Report*, submitted under Item 10 below.
  - i. Implement the RWP as it is approved by the Director, including any revisions to the plan.
10. ***CAO Documentation Report (CDR)***. Collins must create and revise, as necessary, a *CAO Documentation Report (CDR)*. When Collins has concluded all the items in this Order it will submit the final CDR in its entirety to the Director. This will allow the Director to complete a thorough review of all actions taken by Collins with regards to this Order prior to approving the closure of this Order. The intent is for the CDR to summarize all activities and documentation associated with this Order in one document.

- a. The Director may approve the CDR incrementally without approving the entire CDR.
  - b. Once approved by the Director, the CDR will be incorporated by reference into this Order.
  - c. The CDR must include, but is not necessarily limited to, the following:
    - i. Table of Contents;
    - ii. Summary of the Accident and the response activities;
    - iii. Summary of pipe data, material properties and all prior assessments of the *Affected Pipeline*;
    - iv. Summary of all tests, inspections, assessments, evaluations, and analysis required by the Order;
    - v. Summary of the mechanical and metallurgical testing as required by the Order;
    - vi. Summary of the RCFA with all root causes as required by the Order;
    - vii. Documentation of all actions taken by Collins to implement the RWP, the results of those actions, and the inspection and repair criteria used;
    - viii. Documentation of any revisions to the RWP including those necessary to incorporate the results of actions undertaken pursuant to this Order and whenever necessary to incorporate new information obtained during the failure investigation and remedial activities;
    - ix. Lessons learned while completing this Order;
    - x. A path forward describing specific actions Collins will take on its entire pipeline system as a result of the lessons learned from work on this Order; and
    - xi. Appendices (if required).
11. ***Restart Plan.*** No restart of the *Affected Pipeline* may occur, unless and until a written *Restart Plan* has been submitted and approval had been granted by the Director, and which is to be subject to the following:
- a. The Director may approve the *Restart Plan* incrementally without approving the entire plan, but the *Isolated Segment* cannot resume operation until the *Restart Plan* is approved in its entirety.
  - b. Once approved by the Director, the *Restart Plan* will be incorporated by reference into this Order.
  - c. The *Restart Plan* must provide for adequate patrolling of the *Isolated Segment* during the restart process and must include incremental pressure increases during start up, with each increment to be held for at least two hours.
  - d. The *Restart Plan* must include sufficient surveillance of the pipeline during each pressure increment to ensure that no leaks are present when operation of the line resumes.
  - e. The *Restart Plan* must specify a day-light restart and include advance communications with local emergency response officials.

- f. The *Restart Plan* must provide for a review of the *Isolated Segment* for conditions similar to those of the failure including a review of construction, operating and maintenance (O&M) and integrity management records such as ILI results, hydrostatic tests, root cause failure analysis of prior failures, aerial and ground patrols, corrosion, cathodic protection, excavations, and pipe replacements. Collins must address any findings that require remedial measures to be implemented prior to restarting operation of the *Isolated Segment*.
  - g. The *Restart Plan* must also include documentation of the completion of all mandated actions, and a management of change plan to ensure that all procedural modifications are incorporated into Collins' O&M procedures manual.
  - h. The *Restart Plan* must provide for hydrostatic pressure testing of the *Isolated Segment*.
12. ***Return to Service.*** After the Director approves the *Restart Plan*, Collins may return the *Isolated Segment* to service but the operating pressure must not exceed the pressure restrictions in accordance with Item 2 above.
13. ***Removal of Pressure Restriction.***
- a. The Director may allow the removal or modification of the pressure restriction upon a written request from Collins demonstrating that restoring the pipeline to its pre-failure operating pressure is justified based on a reliable engineering analysis showing that the pressure increase is safe considering all known defects, anomalies, and operating parameters of the pipeline.
  - b. The Director may allow the temporary removal or modification of the pressure restrictions upon a written request from Collins demonstrating that temporary mitigative and preventive measures are implemented prior to and during the temporary removal or modification of the pressure restriction. The Director's determination will be based on the failure cause and provision of evidence that preventative and mitigative actions taken by the operator provide for the safe operation of the *Affected Pipeline* during the temporary removal or modification of the pressure restriction. Appeals to determinations of the Director in this regard will be decided by PHMSA's Associate Administrator for Pipeline Safety.

#### **Other Requirements:**

14. ***Approvals.*** With respect to each submission that under this Order requires the approval of the Director, the Director may: (a) approve, in whole or part, the submission; (b) approve the submission on specified conditions; (c) modify the submission to cure any deficiencies; (d) disapprove in whole or in part, the submission, directing that Respondent modify the submission, or (e) any combination of the above. In the event of approval, approval upon conditions, or modification by the Director, Respondent shall proceed to take all action required by the submission as approved or modified by the Director. If the Director disapproves all or any portion of the submission, Respondent must correct all deficiencies within the time specified by the Director, and resubmit it for approval.

15. ***Extensions of Time.*** The Director may grant an extension of time for compliance with any of the terms of this Order upon a written request timely submitted demonstrating good cause for an extension.
16. ***Reporting.*** Submit quarterly reports to the Director that: (1) include all available data and results of the testing and evaluations required by this Order; and (2) describe the progress of the repairs or other remedial actions being undertaken. The first quarterly report is due on March 31, 2022. The Director may change the interval for the submission of these reports.
17. ***Documentation of the Costs.*** It is requested but not required that Respondent maintain documentation of the costs associated with implementation of this Corrective Action Order. Include in each monthly report submitted, the to-date total costs associated with: (1) preparation and revision of procedures, studies, and analyses; (2) physical changes to pipeline infrastructure, including repairs, replacements, and other modifications; and (3) environmental remediation, if applicable.

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

In your correspondence on this matter, please refer to “CPF No. 1-2021-077-CAO” and for each document you submit, please provide a copy in electronic format whenever possible. The actions required by this 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. Chapter 601, or under any other provision of federal or state law.

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

Failure to comply with this Order may result in the assessment of civil penalties and in referral to the Attorney General for appropriate relief in United States District Court pursuant to 49 U.S.C. § 60120.

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

December 30, 2021

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Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

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Date Issued