



VIA EMAIL (Robert.Burrough@dot.gov)
And REGULAR MAIL

July 14, 2023

Robert Burrough
Director, Eastern Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628

**Re: Adelphia Gateway, LLC – CPF 1-2023-008 NOPV
Response to Notice of Probable Violation, Proposed Civil Penalty, and Proposed
Compliance Order**

Dear Mr. Burrough,

Adelphia Gateway, LLC (Adelphia) acknowledges receipt of the Notice of Proposed Violation, Proposed Civil Penalty, and Proposed Compliance Order dated June 15, 2023, and hereby submits its response. Adelphia elects not to contest the allegation and has complied with the action order to resolve markers at the specified location as well as all above ground facilities. Adelphia initiated a wire transfer today for the full penalty amount of \$56,600; but requests consideration and review for a civil penalty reduction based on the development and implementation of a comprehensive compliance program, effective March of 2022, as well as the enactment of damage prevention initiatives including but not limited to:

- Placement of Pipeline Markers on both sides of road crossings.
- Confirmation of PI's and Pipeline Marker placement.
- Procedure enhancements requiring consideration for attaining line-of-sight, where applicable.
- With regards to procedural enhancements, Attainment of line-of-sight, where applicable.
- Budgetary considerations for support of a robust compliance program.
- Budgetary considerations for damage prevention methodologies, materials, and resources.
- SME employment.
- Staffing restructure and alignment for compliance support.
- Stated management commitment to compliance excellence. Compliance and Integrity now report directly to the VP NJR Storage & Transportation, who is also President of the pipeline.
- Executive commitment to resourcing and funding compliance excellence.

Subsequent to the field inspection, and by virtue of a well-defined Compliance Task List/Tracker, Adelphia has been, and continues to execute a pipeline marker repair, replacement, remediation, and enhancement program. Despite asset transitioning, expansive construction activity, and limited manpower availability, Adelphia has confirmed pipe location and either repaired, replaced, or added over 120 pipeline markers, including resolution of this compliance order, CPF 1-2023-008-NOPV via placement of pipeline markers, as required by Adelphia Public Awareness Plan, Section 12.5 and API RP 1162, Section 5.7.

Pipeline Safety is a core value without compromise at Adelphia, as demonstrated by an unmitigated investment into the development and enactment of a comprehensive, robust compliance program. Furthermore, Adelphia affirms an on-going commitment to regulatory excellence, and has recently made

reporting changes so that Compliance and Integrity report directly to the President of the pipeline and business unit leader.

With the acknowledgement of significant location and environmental challenges, Adelphia remains committed to an accurately marked pipeline system. Pursuant to the development and enactment of a Compliance Task List/Tracker, Adelphia has likewise assigned priority and ownership for an enhanced right-of-way maintenance program.

Adelphia's current right-of-way maintenance program consists primarily of traditional ground mowing and pipeline marker repair/replacement. Enhanced maintenance initiatives/considerations include:

- Installed **120** new pipeline markers, since June 2022, to better identify pipeline turns, areas of high activity, and road crossings. *Reference Newly Installed Pipeline Markers spreadsheet, attached.*
- Advanced means of vegetation management.
 - Aerial herbicide application.
 - Ground herbicide application.
 - Stakeholder partnerships.
 - Management controls via work management system.
 - Advanced work management and scheduling over time.

References

- *Compliance List/Tracker, available upon request.*
- *O&M Manual, Section 15.7.5.1 proposes a preference for line-of-sight pipeline markers, where practical, so as to imply a preference to exceed regulatory expectations, but in no way infers a regulatory requirement that has proven beyond manageable throughout the pipeline industry.*
- *Public Awareness Plan, Section 12.5.*
- *Newly Installed Pipeline Markers spreadsheet, attached.*
- *Pipeline Marker Installation Documentation, attached.*
- *Pipeline Marker Installation Pictures from 6/28/2023, attached.*

If you have any questions or would like to discuss the contents of this response further, please do not hesitate to contact me or Aaron Bass, Director Engineering, Integrity, and Compliance at abass@njresources.com or (322) 598-6061.

Regards,

ADELPHIA GATEWAY, LLC



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