

December 4, 2023

VIA ELECTRONIC MAIL TO: kris.patrick@ergon.com

Mr. Kris Patrick
President and Chief Executive Officer
Ergon, Inc.
P.O. Box 1639
Jackson, Mississippi 39215

Re: CPF No. CPF 1-2023-050-NOPV

Dear Mr. Patrick:

Enclosed please find the Final Order issued in the above-referenced case to Ergon Terminaling, Inc., a subsidiary of Ergon, Inc. It makes a finding of violation and specifies actions that need to be taken to comply with the pipeline safety regulations. When the terms of the compliance order are completed, as determined by the Director, Eastern Region, this enforcement action will be closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. Robert Burrough, Director, Eastern Region, Office of Pipeline Safety, PHMSA
Mr. Craig Rohr, Facility Manager, Ergon Terminaling, Inc., craig.rohr@ergon.com

CONFIRMATION OF RECEIPT REQUESTED

This finding of violation will be a considered prior offense in any subsequent enforcement action taken against Respondent.

Compliance Actions

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the actions proposed in the enclosed Notice to correct the violation. The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension. Upon completion of the ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

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

Warning Items

With respect to Items 2, 3, and 4, the Notice alleged probable violations of 49 C.F.R. §§ 195.446(a) and 192.605(j)(1) but did not propose a civil penalty or compliance order for these items. Therefore, these are considered to be warning items. If OPS finds a violation any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

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

December 4, 2023

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued