

November 10, 2022

VIA ELECTRONIC MAIL TO: stan.horton@bwpipelines.com

Mr. Stanley C. Horton
President and Chief Executive Officer
Boardwalk Pipeline Partners, LP
9 Greenway Plaza, Suite 2800
Houston, Texas 77066

Re: CPF No. 3-2022-053-NOPV

Dear Mr. Horton:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation, assesses a civil penalty of \$90,700, and specifies actions that need to be taken to comply with the pipeline safety regulations. When the civil penalty has been paid and the terms of the compliance order are completed, as determined by the Director, Central 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. Gregory A. Ochs, Director, Central Region, Office of Pipeline Safety, PHMSA
Ms. Tina Baker, Manager, Compliance Services, Boardwalk Pipeline Partners, LP,
tina.baker@bwpipelines.com

CONFIRMATION OF RECEIPT REQUESTED

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

In the Matter of

**Gulf South Pipeline Company, LLC,
a subsidiary of Boardwalk Pipeline Partners, LP,**

Respondent.

)
)
)
) **CPF No. 3-2022-053-NOPV**
)
)
)

FINAL ORDER

On August 22, 2022, pursuant to 49 C.F.R. § 190.207, the Director, Central Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to Gulf South Pipeline Company, LLC (Respondent), a subsidiary of Boardwalk Pipeline Partners, LP. The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. parts 191 and 192. The Notice also proposed certain measures to correct the violations. Respondent did not contest the allegations of violation, the proposed civil penalty, or corrective measures.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 191.23(a)(1)(5) (**Item 1**) — Respondent failed to report safety-related conditions involving facilities in service in accordance with 49 C.F.R. § 191.25, including any material defect or physical damage that impairs the serviceability of a pipeline that operators at a hoop stress of 20 percent or more of its specified minimum yield strength, or the serviceability of the structural integrity of a UNGSF.

49 C.F.R. § 192.161(c) (**Item 2**) — Respondent failed to design and install each support on its exposed pipelines using durable, noncombustible material.

49 C.F.R. § 192.465(c) (**Item 3**) – Respondent failed to electronically check for proper performance six times each calendar year, but with intervals not exceeding 2 ½ months, each reverse current switch, diode, and interference bond whose failure would jeopardize structure protection. Respondent also failed to check each interference bond for proper performance at least once each calendar year, but with intervals not exceeding 15 months.

49 C.F.R. § 192.465(d) (**Item 4**) – Respondent failed to take prompt remedial action to correct deficiencies indicated by corrosion control monitoring.

49 C.F.R. § 192.605(b)(1) (**Item 6**) – Respondent failed to prepare and follow written procedures for operating, maintaining, and repairing the pipeline in accordance with the requirements of subparts L and M of part 192.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent. In accordance with 49 C.F.R. § 190.223, I assess Respondent a total civil penalty of **\$90,700**.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require such payment to be made by wire transfer through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMK-325), Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 S MacArthur Blvd, Oklahoma City, Oklahoma 79169. The Financial Operations Division telephone number is (405) 954-8845.

Failure to pay the \$90,700 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a district court of the United States.

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 violations. 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.

Warning Items

With respect to Items 5 and 7, the Notice alleged probable violations of 49 C.F.R. §§ 192.605(a) and 192.907(a), respectively, 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 of 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.

November 10, 2022

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued