

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

In the Matter of	)	
	)	
Boardwalk Petrochemical Pipeline, LLC,	)	CPF No. 3-2023-020-NOPV
	)	
Respondent.	)	
	)	

MODIFICATION TO CONSENT AGREEMENT

From April 4 to July 29, 2022, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected facilities and records of the Boardwalk Petrochemical Pipeline, LLC (BPP or Respondent), ethylene pipeline system in Louisiana and Texas.

As a result of the inspection, the Director, Central Region, OPS (Director), issued to Respondent, by letter dated August 11, 2023, a Notice of Probable Violation (Notice).

On April 23, 2024, PHMSA and Respondent (the Parties) entered into a Consent Agreement (Agreement) to resolve the Notice. The Agreement was approved by the Associate Administrator for Pipeline Safety, PHMSA, and incorporated by reference into a Consent Order that was issued pursuant to 49 CFR § 190.219 on April 26, 2024.

Paragraph 29 of the Agreement states that the Agreement may be modified by mutual agreement of the Parties and that such modifications must be in writing and signed by both parties.

In accordance with Paragraph 29 of the Agreement, the Parties hereby agree to modify Paragraph 21(A) of the Agreement. The modification to Paragraph 21(A) does not otherwise change any of the other terms of the Agreement, which remain in full force and effect unmodified.

I. Modification:

Paragraph 21(A) of the Agreement is hereby struck and replaced with the following:

In regard to Item 1 of the Notice, pertaining to the failure to follow applicable procedures when installing a composite sleeve over a gouge containing a stress concentrator, within **180 days** from the date PHMSA signs this modification to the Agreement, BPP must provide to the Director for review and acceptance documentation showing that any stress

concentrator(s) associated with the gouge on the ethylene pipeline have been removed and that the pipe at the location of the gouge has been permanently repaired. If BPP is unable to remove the stress concentrator(s) associated with the gouge and permanently repair the pipe at the gouge's location, then BPP must remove and replace that portion of the pipeline containing the gouge no later than April 26, 2029. Until the Director accepts the required documentation showing the stress concentrator has been removed or the portion of the pipeline is removed and replaced (whichever is sooner), BPP must carry out quarterly leak detection surveys of the affected portion of the pipeline with an appropriate, calibrated instrument to detect ethylene leaks and document the findings. BPP will conduct the quarterly leak detection surveys using the Southern Cross Flame Pack 400 to detect ethylene leaks and document the findings; Central Region does not object to the use of this instrument for this purpose. The first quarterly leak detection survey must be performed no later than 90 days after the Effective Date and thereafter at intervals not to exceed 90 days. Prior to carrying out the leak detection surveys, BPP must submit its procedure to the Director for review. Following the surveys, the survey results must be submitted to the Director quarterly. If any leaks are detected, BPP will repair the pipeline pursuant to 49 CFR § 195.401(b) and remove and replace that portion of the pipeline containing the gouge no later than 180-days after discovery of the leak.

II. Ratification:

1. The Parties' undersigned representatives certify that they are fully authorized to enter into the terms and conditions of this modification and to execute and legally bind such party to this document.
2. The Parties hereby agree to all findings, conditions, and terms of this modification.

[Signature Lines on Following Page]

For Boardwalk Petrochemical Pipeline, LLC:

Date

For PHMSA:

Acting Director, Central Region, Office of Pipeline Safety