

By Email Only

October 03, 2023

Mr. Gregory A. Ochs
Director, Central Region
Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
901 Locust Street, Suite 462
Kansas City, MO 64106

**Re: Boardwalk Petrochemical Pipeline, LLC, CPF No. 3-2023-020-NOPV
Written Response to Notice of Probable Violation, Proposed Civil Penalty and
Proposed Compliance Order, Request for Hearing and Request for Settlement
Meeting**

Dear Mr. Ochs,

Pursuant to 49 C.F.R. § 190.208(a) & (b) and § 190.211, Boardwalk Petrochemical Pipeline, LLC (BPP) respectfully submits a Written Response to the Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order (Notice) issued on August 11, 2023. On August 22, 2023, PHMSA approved an extension until October 12, 2023 to respond to the Notice. Therefore, this response is timely.

BPP also submits a Request for Hearing, Preliminary Statement of Issues and Request for Settlement Meeting. BPP requests a hearing on the proposed compliance order for Item 1 and on Item 3 and Item 4 in their entirety. BPP also requests a settlement meeting to permit the parties to discuss resolution of the allegations in the Notice. BPP requests that the presiding official delay scheduling a hearing to allow the parties sufficient time to convene a meeting to resolve issues.

BPP requests that it continue to be provided with all documents or communications from PHMSA pertaining to the case or the case file, which includes “all agency records pertinent to the matters of fact and law asserted,”¹ including, but not limited to inspector notes or other materials the Region intends to rely on to support the Notice, and Region Director’s “written evaluation of response material submitted by the respondent and recommendation for final action, if one is prepared.”² Please consider this a standing request. BPP reserves the right to amend or supplement its Response or the preliminary list of issues in the event PHMSA provides any additional materials for our review.

¹ 49 U.S.C. § 60117(b)(1)(C).

² 49 C.F.R. § 190.209(b)(7) (2021).

BPP looks forward to working with you and your staff to resolve the issues raised in the Notice. Please do not hesitate to contact the undersigned if you have any questions.

Thank you for your attention on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tony G. Rizk". The signature is stylized with a large, looped initial "T" and a cursive "R".

Tony G. Rizk, P.E.
VP, Technical Services
Boardwalk Pipelines

Attachments

CC: Ryan McClure, Attorney Advisor, Office of Chief Counsel, PHMSA (Ryan.McClure@DOT.gov)