December 2, 2019

Mr. Kelcy L. Warren
Chief Executive Officer
Energy Transfer, LP
8111 Westchester Drive
Dallas, Texas 75225

**Re: CPF No. 4-2017-3002**

Dear Mr. Warren:

Enclosed please find the Final Order issued in the above-referenced case. It withdraws one allegation of violation, makes findings of violation, assesses a civil penalty of $32,400, and specifies actions that need to be taken by your subsidiary, Lake Charles LNG Company, LLC, to comply with the pipeline safety regulations. The penalty payment terms are set forth in the Final Order. When the civil penalty has been paid and the terms of the compliance order completed, as determined by the Director, Southwest Region, this enforcement action will be closed. Service of the Final Order by certified mail is effective upon the date of mailing 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

Enclosure

cc: Ms. Mary McDaniel, Director, Southwest Region, Office of Pipeline Safety, PHMSA
Mr. Jeff Brightwell, Vice President, LNG Operations, Lake Charles LNG Company, LLC, 8100 Big Lake Road, Lake Charles, Louisiana 70605
Ms. Catherine D. Little, Esq., Troutman Sanders, LLP, 600 Peachtree Street, NE, Suite 5200, Atlanta, Georgia 30308

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

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| **In the Matter of** | ) | |
| **Lake Charles LNG Company, LLC, a subsidiary of Energy Transfer, LP,** | ) | **CPF No. 4-2017-3002** |
| **Respondent.** | ) | |

# FINAL ORDER

On September 15-16, 2015, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of Lake Charles LNG Company, LLC (Lake Charles LNG or Respondent), in Lake Charles, Louisiana. At the time of the inspection, the Lake Charles LNG facility encompassed a 400-acre site and consisted of four insulated liquefied natural gas (LNG) tanks, two vaporizers, and associated equipment with export facilities under development. Lake Charles LNG is a wholly-owned subsidiary of Energy Transfer, LP, which owns and operates approximately 71,000 miles of natural gas, natural gas liquids, refined petroleum, and crude oil pipelines.[1]

As a result of the inspection, the Director, Southwest Region, OPS (Director), issued to Respondent, by letter dated February 21, 2017, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice), which also included a warning pursuant to 49 C.F.R. § 190.205. In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Lake Charles LNG had committed three violations of 49 C.F.R. Part 193 and proposed assessing a civil penalty of $32,400 for one of the alleged violations. The Notice also proposed ordering Respondent to take certain measures to correct the alleged violations. The Notice also included two warning items that required no further action, but warned the operator to correct the probable violations or face possible future enforcement action.

Lake Charles LNG responded to the Notice by letter dated March 22, 2017 (Response). Respondent contested the allegations and requested a hearing. A hearing was subsequently held on October 3, 2017, in Houston, Texas before a PHMSA Presiding Official. At the hearing, Respondent was represented by counsel. Respondent submitted additional written materials prior to the hearing on September 22, 2017 (Pre-hearing submittal), and following the hearing on

[1] Pipeline Safety Violation Report (Violation Report), (Feb. 21, 2017) (on file with PHMSA), at 1; Energy Transfer, LP website, *available at* https://www.energytransferlng.com/who_we_are.html (last accessed November 12, 2019).

November 3, 2017 (Post-hearing submittal). The Director submitted a region recommendation on May 22, 2019 (Region recommendation), and Lake Charles LNG submitted a reply to the region recommendation on May 31, 2019 (Reply).

## FINDINGS OF VIOLATION

The Notice alleged that Respondent violated 49 C.F.R. Part 193, as follows:

**Item 1:** The Notice alleged that Respondent violated 49 C.F.R. § 193.2629(a), which states:

> **§ 193.2629 External corrosion control: buried or submerged components.**
>
> (a) Each buried or submerged component that is subject to external corrosive attack must be protected from external corrosion by—
>
> (1) Material that has been designed and selected to resist the corrosive environment involved; or
>
> (2) The following means:
>
> (i) An external protective coating designed and installed to prevent corrosion attack and to meet the requirements of §192.461 of this chapter; and
>
> (ii) A cathodic protection system designed to protect components in their entirety in accordance with the requirements of §192.463 of this chapter and placed in operation before October 23, 1981, or within 1 year after the component is constructed or installed, whichever is later.

The Notice alleged that Respondent violated 49 C.F.R. § 193.2629(a) by failing to protect its pipeline from external corrosion by means of a cathodic protection system that met the requirements of § 192.463. Specifically, the Notice referenced Appendix D of Part 192 and alleged that Lake Charles LNG failed to consider IR drop when interpreting cathodic protection readings from its annual surveys. IR drop represents the voltage difference between the pipe-to-soil readings taken at the surface and the readings that one would actually obtain at the pipe-to-soil interface due to the resistance of the soil. In the absence of considering IR drop, an operator may erroneously conclude that the cathodic protection level meets the -850 mV criterion when it does not, resulting in a failure to provide adequate cathodic protection to the pipe.[2]

In its Response and at the hearing, Lake Charles LNG stated that it began its 2015 annual cathodic protection survey the day before the scheduled OPS compliance inspection began. Respondent did not argue that it was not required to consider IR drop. Rather, Respondent explained that it contracted with the firm Corrpro to install interrupters on its rectifiers during the 2015 inspection which would allow it to be able to measure IR drop. Respondent did not provide the OPS inspector with any records, documents, studies, prior surveys, or explanations for how it considered the effect of IR drop in interpreting the cathodic protection pipe-to-soil voltage measurements, nor were any such documents provided in connection with the hearing. During

[2] Region recommendation, at 3.

the hearing, Respondent did not argue that its annual surveys conducted in years prior to 2015 accounted for IR drop.

The requirement to consider IR drop on an annual basis has been in place since before the facility was commissioned in 1981. In Lake Charles LNG's case, its own records and statements establish that it had never performed an interrupted survey in the history of the facility until 2015. Accordingly, after considering all of the evidence and the legal issues presented, I find that Respondent violated 49 C.F.R. § 193.2629(a) by failing to protect its pipeline from external corrosion by means of a cathodic protection system that met the requirements of § 192.463 prior to the 2015 inspection and survey.

**Item 2:** The Notice alleged that Respondent violated 49 C.F.R. § 193.2635(d), which states:

> **§ 193.2635 Monitoring corrosion control.**
> Corrosion protection provided as required by this subpart must be periodically monitored to give early recognition of ineffective corrosion protection, including the following, as applicable:
> (a)…
> (d) Each component that is protected from atmospheric corrosion must be inspected at intervals not exceeding 3 years.

The Notice alleged that Respondent violated 49 C.F.R. § 193.2635(d) by failing to periodically inspect a portion of its aboveground piping to monitor for ineffective protection from atmospheric protection. Specifically, the Notice alleged that Lake Charles LNG did not inspect certain insulated piping used to transport liquefied natural gas at intervals not exceeding three years.

In its Response and at the hearing, Lake Charles LNG contested the allegation, contending that the aboveground pipe used to transport LNG at its Lake Charles facility was not required to be periodically inspected for atmospheric corrosion. Respondent explained that it believed the three year inspection requirement did not apply to stainless-steel pipe and that austenitic stainless steel "contains a high percentage of nickel and chromium, and is thus extremely resistant to corrosion."[3] Respondent cited a research paper entitled "*Pitting and Crevice Corrosion of Stainless Steel Under Offshore Conditions*."[4] This paper included a diagram in Figure 2.5 showing the temperatures that different grades of stainless steel were previously thought to be susceptible to corrosion.[5] For 304 stainless steel, the critical pitting temperature ranges from 5 degrees to -20 degrees C. Respondent explained that the operating temperature of its piping during LNG operations is -46 degrees C to -159 degrees C, and argued that its piping was

[3] Post-hearing submission, at 5. It is notable, however, that § 193.2635(d) does not include an express exemption from the atmospheric corrosion inspection requirement for stainless steel pipe. If the drafters of this regulation had intended to exempt stainless steel pipe from atmospheric corrosion inspections, they could have easily done so then and there but they chose not to.

[4] Violation Report, Exhibit B.

[5] *Id*., at 18-19.

operated outside the temperature range for corrosion to occur.

OPS acknowledged that cryogenic temperatures were a factor in preventing external pipe corrosion, but pointed out that the Lake Charles facility had not operated at cryogenic temperatures since 2012, making it approximately six years since the piping has been within the temperature range that Respondent maintains would prevent corrosion. OPS went on to point out that the research paper also states: "This study has shown that in order to be able to assess the possibility of pitting and crevice corrosion and probability of failure with respect to time due to pitting corrosion and coating degradation it is not enough to only consider temperature. It is shown that other parameters are probably as important as temperature."[6] OPS then pointed to a section of the paper explaining that the other mechanisms that can cause the protective chromium oxide layer on stainless-steel piping to be compromised and lead to corrosion include: (1) chemical attack, particularly from environments containing chlorides and sulfides; (2) mechanical damage such as scratches or gouges on the surface of the pipe; and (3) heat such as that from welding. The critical factors listed include, "Design of insulation system, insulation type, temperature, environment (humidity, rainfall and chlorides from marine environment, industrial environments containing high SO2) are critical factors."[7]

This leads to the issue of whether the temperature, humidity, and marine environment factors present at the site of the Lake Charles facility implicate a potentially corrosive atmospheric environment. Respondent argued that the Lake Charles facility was not subject to a corrosive atmospheric environment. Respondent submitted a report entitled "*Evaluation of the Susceptibility to Corrosion of Stainless Steel LNG Pipe Under All Operating Conditions at the lake Charles Liquefied Natural Gas Facility*.[8] The report stated: "The LC LNG Facility is approximately 26 miles (42 km) from the Gulf of Mexico, as shown in Figure 1."[9] The report goes on to state, "The corrosion rate of carbon steel diminishes by more than 97% when it is only 0.62 miles (1 km) from the water. Thus, the effects of seawater on LC LNG Facility Type 304 SS piping should be insignificant at 26 miles (42 km) from the Gulf of Mexico."[10]

With regard to the potential for a corrosive atmospheric environment to be present, OPS stated:

> The Lake Charles facility is located in a hot, humid environment immediately adjacent to bodies of saltwater. The piping is covered by metallic sheathed insulation that is not water tight and can trap moisture against the surface of the pipe. The chlorides present in the salt water along with the environment could clearly create an environment that would chemically degrade the thin protective chromium oxide layer on the stainless-steel piping and result in a damage mechanism defined by API

[6] *Id*., at 73.

[7] *Id*., at 170-171.

[8] Post-hearing submittal, Exhibit 4.

[9] Post-hearing submittal, Exhibit 4, at 6.

[10] *Id*.

> Recommended Practice 571, "Damage Mechanisms Affecting Fixed Equipment in the Refining Industry" as Corrosion Under Insulation (CUI) (Violation Report, Ex. B, at 170-71). This industry standard clearly identifies Series 300 stainless steel piping as susceptible to this damage mechanism.[11]

I find that OPS was persuasive on this point. The Lake Charles facility was constructed as an LNG import terminal and is serviced by oceangoing LNG tankers traversing the ship channel from the Gulf of Mexico. Consequently, the Lake Charles facility is immediately adjacent to the Calcasieu Ship Channel, which is continuous with Calcasieu Lake, both of which are saline bodies of water in direct contact with the Gulf of Mexico. Thus, the Lake Charles LNG facility is not 26 miles from seawater, but sits immediately adjacent to a chloride rich saline bodies of water.[12]

In determining the applicability of the three-year atmospheric corrosion inspection requirement, the three sections in Part 193 that speak to atmospheric corrosion, §§ 193.2625, 193.2627, and 193.2635(a), must be read in a cohesive manner in order to arrive at a logical application of the inspection requirement that is consistent with the purpose and intent of the corrosion control regulations.

First, § 193.2625 requires operators to determine the need for corrosion protection with regard to all metallic components which could have their integrity adversely affected by uncontrolled corrosion during their intended service life. Second, § 193.2627 requires operators to protect each component that is subject to atmospheric corrosive attack from corrosion by: (1) using a material that has been designed and selected to resist the corrosive atmosphere involved; or (2) using suitable coating or jacketing. Finally, § 193.2635(d), the cited regulation, requires that each component subject to the atmospheric corrosion protection requirements be inspected at intervals not exceeding three years.

In this case, Respondent met its obligations under §§ 193.2625 and 193.2627 to determine the need for and a select a material that would resist a corrosive atmosphere when it selected stainless-steel pipe for the Lake Charles facility. Stainless steel pipe is more expensive to use than carbon-steel pipe and presumably the designers of the facility decided to incur that expense to ensure that the Lake Charles facility would have greater protection from corrosion resulting in a longer life span than would be the case if a lower cost material not as resistant to corrosion such as carbon steel had been selected. Respondent's own submissions in this case tout its decision to use stainless steel piping to protect against atmospheric corrosion.

It appears, however, that Respondent has confused its ability to determine which material it would use to use to resist the corrosive atmosphere with the applicability of the ensuing periodic inspection requirement. The three-year inspection requirement in § 193.2635(d) applies to all components subject to the atmospheric corrosion protection requirements. It does not allow an operator to determine that a three-year inspection of such components is not needed. In other

[11] Region recommendation, at 10.

[12] OPS noted that surface corrosion was already beginning on the metallic pipe cladding.

words, rather than justifying the failure to conduct periodic inspections, the fact that Respondent selected stainless-steel pipe as the protective material needed to resist the corrosive atmosphere implicated the three-year inspection requirement just as assuredly as selecting a coated material other than stainless steel as a means of resisting atmospheric corrosion would have, perhaps in a different (i.e., non-marine) location. It may turn out that Respondent's choice of stainless steel piping will successfully resist atmospheric corrosion over the entire life span of the Lake Charles facility, but that does not negate the requirement in § 193.2635(d) to conduct an inspection every three years to confirm the absence of atmospheric corrosion.

It should be emphasized that an LNG facility operator has wide latitude in developing the procedures by which its atmospheric corrosion inspections will be conducted. Nothing in this decision prohibits an operator from determining the appropriate manner of inspection for its particular facility so long as the procedures account for the presence of piping that is not visually accessible such as insulated piping. For example, operators that have insulated pipes can establish procedures for visually inspecting these pipes by removing select portions of the insulation or clamps or developing a program whereby visual inspections occur in predetermined critical inspection locations by creating inspection ports.

Accordingly, after considering all of the evidence and the legal issues presented, I find that Respondent violated 49 C.F.R. § 193.2635(d) by failing to periodically inspect a portion of its aboveground piping to monitor for ineffective protection from atmospheric protection.

**Item 3:** The Notice alleged that Respondent violated 49 C.F.R. § 193.2707(a), which states:

> **§ 193.2707 Operations and maintenance.**
> (a) Each operator shall utilize for operation or maintenance of components only those personnel who have demonstrated their capability to perform their assigned functions by—
> (1) Successful completion of the training required by §§193.2713 and 193.2717; and
> (2) Experience related to the assigned operation or maintenance function; and
> (3) Acceptable performance on a proficiency test relevant to the assigned function.

The Notice alleged that Respondent violated 49 C.F.R. § 193.2707(a) by utilizing personnel for operations and maintenance who had not demonstrated their capability to perform the assigned functions. Specifically, the Notice referenced §§ 193.2713 and 193.2717 and alleged that Respondent utilized personnel who had not completed the applicable training requirements.

In its Response and at the hearing, Lake Charles LNG disputed the allegation that it ever used personnel for operations and maintenance who had not completed the applicable training requirements. Respondent explained that some of its initial training records were misplaced and acknowledged that improvement in its training record retention practices was in order. Respondent further stated that it was making its initial and refresher training records for personnel and appropriate supervisory personnel available to OPS. In connection with the

hearing, Respondent submitted copies of these training records and stated that these records were created contemporaneously at the time the training was conducted. These records included Lake Charles Master Training Matrix, Initial and Refresher Training (Rev. Feb. 1, 2010); Lake Charles LNG Training Status (as of Sept. 14-16, 2015); and Lake Charles LNG Refresher Training Records (as of Sept. 15, 2015).[13]

For its part, OPS pointed out that Respondent is required to "maintain" training records and emphasized that Lake Charles LNG did not produce these training records at the time of the inspection. OPS maintained that Respondent should be found in violation as alleged in the Notice due to this failure to produce the training records at the time of the inspection.

OPS is correct that a LNG facility operator is required to maintain records of satisfactory completion of the applicable facility training requirements and produce them upon request during an OPS inspection. These records must be maintained while personnel are performing duties such as operations and maintenance, security, and fire protection, and maintained for an additional one-year period after they are no longer assigned such duties. This requirement is found in § 193.2719. Respondent's failure to maintain and produce these records at the time of the inspection suggests that it likely ran afoul of this requirement. In its Notice, however, OPS did not cite § 193.2719 for a failure of Respondent to maintain records. Instead the Notice cited Lake Charles LNG for an alleged violation of § 193.2707(a) which would equate to an alleged failure to actually conduct the training. Respondent subsequently located the relevant records showing that it did conduct the training and provided these records in connection with the hearing. Thus, Respondent was able to refute the allegation of violating the particular code section that was charged in the Notice.

Accordingly, after considering all of the evidence and the legal issues presented, I find that a violation of 49 C.F.R. § 193.2707(a) has not been proven. Based upon the foregoing, I hereby order that Item 3 be withdrawn.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

## ASSESSMENT OF PENALTY

Under 49 U.S.C. § 60122, Respondent is subject to an administrative civil penalty not to exceed $200,000 per violation for each day of the violation, up to a maximum of $2,000,000 for any related series of violations.[14] In determining the amount of a civil penalty under 49 U.S.C. § 60122 and 49 C.F.R. § 190.225, I must consider the following criteria: the nature, circumstances, and gravity of the violation, including adverse impact on the environment; the degree of Respondent's culpability; the history of Respondent's prior offenses; any effect that the penalty may have on its ability to continue doing business; and the good faith of Respondent in attempting to comply with the pipeline safety regulations. In addition, I may consider the

[13] Post-hearing submission Exhibits 9, 10, and 11.

[14] These amounts are adjusted annually for inflation. *See* 49 C.F.R. § 190.223.

economic benefit gained from the violation without any reduction because of subsequent damages, and such other matters as justice may require. The Notice proposed a total civil penalty of $32,400 for the first violation cited above.

**Item 1:** The Notice proposed a civil penalty of $32,400 for Respondent's violation of 49 C.F.R. § 193.2629(a), for failing to failing to protect its pipeline from external corrosion by means of a cathodic protection system that met the requirements of § 192.463.

With respect to the nature and circumstances of the violation, ensuring that cathodic protection readings are accurate and account for IR drop is a basic code requirement. Respondent argued that the penalty should be eliminated because it believed this was a "records only" violation in that it was taking steps to account for IR drop during the 2015 OPS inspection.[15] With respect to the gravity of the violation, preventing corrosion is a serious safety matter. Respondent argued that there was no impact on pipeline safety or integrity because the annual survey was being conducted during the PHMSA inspection. With respect to culpability, Respondent should have known from a plain reading of the code that IR drop had to be considered, but again argued that Respondent took significant steps to comply. Similarly, Respondent argued that it made a good faith effort to comply by arranging for the interrupted testing to be conducted concurrently with the OPS inspection.[16]

All of these arguments, however, are premised on the incorrect notion that the OPS allegation was limited to the 2015 annual survey. The violation, however, was for failure to account for IR drop for many years up until the 2015 OPS inspection. Respondent presented no arguments that would warrant a reduction in the civil penalty amount proposed in the Notice for this violation. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of **$32,400** for violation of 49 C.F.R. § 193.2629(a).[17]

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 $32,400 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

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[15] Post-hearing submission, at 4.

[16] *Id*.

[17] In its Reply to the region recommendation, Respondent argued that the region recommendation contained new information and pointed out that it was not submitted by the Director until over a year after the hearing. Having considered these arguments, I find that the region recommendation did not raise new evidence that Respondent did not have the opportunity to contest (and in any event, it is not binding in any way). With respect to the timing, 49 C.F.R. § 190.209((b)(7) does not set a deadline for submission of the region recommendation by the Director and I do not find that this delay impacted Respondent's ability to contest the case.

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 ORDER

The Notice proposed a compliance order with respect to Items 1, 2, and 3 in the Notice for violations of 49 C.F.R. §§ 193.2629(a), 193.2635(d), and 193.2707(a), respectively. Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. As discussed above, Item 3 has been withdrawn. Therefore, no compliance terms for that Item are included.

Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

1. With respect to the violation of § 193.2629(a) (**Item 1**), Respondent must survey its pipeline facilities so that IR drop is considered in the readings and remediate any areas not meeting the applicable criterion. Respondent must implement measures to consider IR drop in determining the adequacy of all future cathodic protection readings in the form of developing and following procedures for interrupted surveys or other accepted means of IR drop consideration.

2. With respect to the violation of § 193.2635(d) (**Item 2**), Respondent must develop procedures for inspecting above ground insulated stainless steel pipe for atmospheric corrosion at set intervals not to exceed every 3 years. Using the procedures, Respondent must perform an atmospheric corrosion inspection of the insulated stainless steel piping.

3. Respondent must submit documentation to the Director within 180 days of receipt of this Compliance Order showing that Items 1 and 2 of this order have been completed.

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.

It is requested (not mandated) that Respondent maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to the Director. It is requested that these costs be reported in two categories: (1) total cost associated with preparation/revision of plans, procedures, studies and analyses; and (2) total cost associated with replacements, additions and other changes to pipeline infrastructure.

Failure to comply with this Order may result in the administrative assessment of civil penalties not to exceed $200,000, as adjusted for inflation (49 C.F.R. § 190.223), for each violation for each day the violation continues or in referral to the Attorney General for appropriate relief in a district court of the United States.

## WARNING ITEMS

With respect to Items 4 and 5, the Notice alleged probable violations of Part 193 but did not propose a civil penalty or compliance order for these items. Therefore, these are considered to be warning items. The warnings were for:

> 49 C.F.R. § 193.2801 **(Item 4) ─** Respondent's alleged failure to ensure that all aspects of an annual inspection of the emergency shutdown system in 2015 were carried out in accordance with § 193.2605 procedures; and
>
> 49 C.F.R. § 193.2911 **(Item 5) ─** Respondent's alleged failure to ensure that its LNG facility security lighting met the applicable illumination intensity standard of 2.2 lux.

Lake Charles LNG presented information in its Response showing that it had taken certain actions to address the cited items. If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

Under 49 C.F.R. § 190.243, Respondent may submit a Petition for Reconsideration of this Final Order to the Associate Administrator, Office of Pipeline Safety, PHMSA, 1200 New Jersey Avenue, SE, East Building, 2nd Floor, Washington, DC 20590, with a copy sent to the Office of Chief Counsel, PHMSA, at the same address, no later than 20 days after receipt of service of this Final Order by Respondent. Any petition submitted must contain a statement of the issue(s) and meet all other requirements of 49 C.F.R. § 190.243. The filing of a petition automatically stays the payment of any civil penalty assessed. The other terms of the order, including corrective action, remain in effect unless the Associate Administrator, upon request, grants a stay.

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

December 2, 2019

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued