

WARNING LETTER

ELECTRONIC MAIL - RETURN RECEIPT REQUESTED

March 2, 2021

Jason Rains-Love
HSE, Training & Special Projects Manager
Cox Operating LLC
1615 Poydras Street Suite 830
New Orleans, Louisiana 70112

CPF 4-2021-025-WL

Dear Mr. Rains-Love:

On January 31, 2021, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected Cox Operating, LLC's (Cox) compliance with PHMSA's National Pipeline Mapping System (NPMS) submission requirement for calendar year 2019.

As a result of the inspection, it is alleged that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item inspected and the probable violation is:

1. § 191.29 - National Pipeline Mapping System.

(a) Each operator of a gas transmission pipeline or liquefied natural gas facility must provide the following geospatial data to PHMSA for that pipeline or facility:

(1) Geospatial data, attributes, metadata and transmittal letter appropriate for use in the National Pipeline Mapping System. Acceptable formats and additional information are specified in the NPMS Operator Standards Manual available at www.npms.phmsa.dot.gov or by contacting the PHMSA Geographic Information Systems Manager at (202) 366-4595.

....

(b) The information required in paragraph (a) of this section must be submitted each year, on or before March 15, representing assets as of December 31, of the previous year. If no changes have occurred since the previous year's submission, the operator must comply with the guidance provided in the NPMS Operator Standards manual available at www.npms.phmsa.dot.gov or contact the PHMSA Geographic Information Systems Manager at (202) 366-4596.

§ 195.61 - National Pipeline Mapping System.

(a) Each operator of a hazardous liquid pipeline facility must provide the following geospatial data to PHMSA for that facility:

(1) Geospatial data, attributes, metadata and transmittal letter appropriate for use in the National Pipeline Mapping System. Acceptable formats and additional information are specified in the NPMS Operator Standards manual available at www.npms.phmsa.dot.gov or by contacting the PHMSA Geographic Information Systems Manager at (202) 366-4595.

....

(b) The information required in paragraph (a) of this section must be submitted each year, on or before June 15, representing assets as of December 31, of the previous year. If no changes have occurred since the previous year's submission, the operator must comply with the guidance provided in the NPMS Operator Standards manual available at www.npms.phmsa.dot.gov or contact the PHMSA Geographic Information Systems Manager at (202) 366-4596.

Cox failed to submit an acceptable NPMS data submission for its gas transmission pipeline facilities to PHMSA by March 15, 2020, and for its assets under OPID 39498 as of December 31, 2019, as required by §191.29(b). Additionally, Cox failed to submit an acceptable NPMS data submission for its hazardous liquid pipeline facilities to PHMSA by June 15, 2020 and for its assets under OPID 39498 as of December 31, 2019, as required by §195.61(b). PHMSA representatives first contacted Cox on September 2, 2020, to request the required corrections; however, Cox did not comply.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022. For violations occurring prior to November 2, 2015, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$2,000,000 for a related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time.

We advise you to complete an accurate and acceptable calendar year 2020 NPMS submittal as detailed in our September 2, 2020 email for all of the gas transmission pipelines in your calendar year 2020 Annual Report on or before March 15, 2021. Furthermore, we advise you to complete an accurate and acceptable calendar year 2020 NPMS submittal for all of the hazardous liquid pipelines in your calendar year 2020 Annual Report on or before June 15, 2021. Failure to do so will result in Cox Operating LLC being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to CPF 4-2021-025-WL. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Sincerely,

Mary L McDaniel, P.E.
Director, Southwest, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration

cc: Jessica Bettega, The Compliance Group, jbettega@thecomgroup.com