



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

8701 S. Gessner, Suite 630
Houston TX 77074

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED COMPLIANCE ORDER**

VIA ELECTRONIC MAIL

June 13, 2023

Vidal Rosa
Senior Vice President of Operations
Navigator Borger Express LLC
2626 Cole Avenue, Suite 900
Dallas, Texas 75204

CPF 4-2023-053-NOPV

Dear Mr. Rosa:

From January 24 to May 20, 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.) was onsite and inspected Navigator Borger Express, LLC's (Navigator) pipeline construction project in Oklahoma and Texas.

As a result of the inspection, it is alleged that Navigator 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. § 195.202 Compliance with specifications or standards.**
Each pipeline system must be constructed in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part.

Navigator failed to construct each pipeline system in accordance with comprehensive written specifications or standards that are consistent with the requirements of Part 195 in accordance with § 195.202. Specifically, Navigator failed to follow its written procedure, *Flanged Pipe and Equipment Bolting (Revision A; 1/7/2019)*, Section 3.0 Bolting Materials, which stated that "a minimum of three threads shall protrude beyond the nut face after the nut is completely torqued" and Section 6.0 Gasket Installation and Bolt Torquing Procedure which stated that Navigator must "[u]se rotational tightening until all nuts do not move under 100% torque. There shall not be less than three threads showing on the outside of each nut after they are completely torqued."

During the field inspection on March 10, 2022, PHMSA observed that Navigator used the incorrect length of bolts (studs and nuts) at the Ruby and Marshall pump stations resulting in less than three threads showing on multiple flange fittings and on multiple valves. At these locations, PHMSA observed multiple bolts with less than three threads protruding beyond the nut faces as required by Navigator's procedure. Navigator failed to ensure that a minimum of three threads protruded beyond the nut face.

Therefore, Navigator failed to construct each pipeline system in accordance with comprehensive written specifications or standard that are consistent with the requirements of Part 195 in accordance with § 195.202.

Proposed Compliance Order

PHMSA has reviewed the circumstances and supporting documents involved in this case and have decided not to propose a civil penalty assessment at this time.

With respect to Item 1 pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Navigator Borger Express, LLC. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Enforcement Proceedings*. Please refer to this document and note the response options. All material you submit in response to this enforcement action may be 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).

Following your receipt of this Notice, you have 30 days to respond as described in the enclosed *Response Options*. If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order. If you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from receipt of this Notice. The Region Director may extend the period for responding upon a written request timely submitted demonstrating good cause for an extension.

In your correspondence on this matter, please refer to **CPF 4-2023-053-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Bryan Lethcoe
Director, Southwest Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration

Enclosures: *Proposed Compliance Order*
Response Options for Pipeline Operators in Enforcement Proceedings

cc: Vanessa Romero, Manager, EHS/Regulatory, vromero@nesmidstream.com

PROPOSED COMPLIANCE ORDER

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Navigator Borger Express, LLC (Navigator) a Compliance Order incorporating the following remedial requirements to ensure the compliance of Navigator with the pipeline safety regulations:

- A. In regard to 1 of the Notice pertaining to Navigator's failure to construct each pipeline system in accordance with comprehensive written specifications or standard that are consistent with the requirements of Part 195, Navigator must ensure that all nuts on flanges and valves at all newly constructed pump stations, including the Ruby and Marshall pump stations, are installed according to its procedure - Flanged Pipe and Equipment Bolting (Revision A; 1/7/2019). Navigator must provide records indicating compliance with its procedures and any associated repair records for all bolts with less than three threads beyond the nut face after torqued at all newly constructed pump stations to the Director, Southwest Region, PHMSA within **60** days of issuance of the Final Order.

- B. It is requested (not mandated) that Navigator maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Bryan Lethcoe, Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. 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.