



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

8701 S. Gessner, Suite 630
Houston TX 77074

NOTICE OF AMENDMENT

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 4-2023-054-NOA

Dear Mr. Rosa:

From January 24 to May 20, 2022, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) 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, PHMSA has identified an apparent inadequacy found within Navigator's plans or procedures. The item inspected and the inadequacy is described below:

1. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a)

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1)

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.

§ 195.561 When must I inspect pipe coating used for external corrosion control?

(a) You must inspect all external pipe coating required by § 195.557 just prior to lowering the pipe into the ditch or submerging the pipe.

Navigator's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to ensure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Specifically, Navigator's construction standard failed to ensure holiday detectors are set to the correct voltage to inspect field coated girth weld joints in accordance with § 195.561(a).

Navigator's NES Construction Standards Pipeline Construction (Doc No: NES-CONST-1001, Revision No: A, dated 6/7/2021), section 14.2: Field Coating Inspection Repair required weld joints to be inspected with a holiday detector (Jeep) set at 125 volts/mil of the minimum specified coating thickness for the carrier pipe or per the coating manufacturer instructions.

The coating manufacturer instructions, *Denso Protal™ 7200* Brush Application Specifications, section 6.5 required the holiday detection voltage setting to be based on the specified nominal pipe coating thickness and calculated in accordance with the NACE SP0188 Standard.

On March 9, 2022, during the pipeline construction inspection near the Canadian Pump Station, PHMSA observed a field coating thickness circumferentially 36, 25, 25, and 24 mils at the weld number 4ATI1133(Joint number ML4-5017). Navigator used 2100 volts based on the carrier pipe coating thickness on the SPY holiday detector. However, NACE SP0188 (the manufacturer recommended industry standard) requires a higher voltage (3000 volts) for coating thickness in the range of 21 to 40 mils.¹ Per NACE SP0188, the voltage setting must be calculated by considering the coating thickness and the applied voltage varies for different coating thicknesses.

Therefore, Navigator's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to ensure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Navigator must amend section 14.2 of NES Construction Standards Pipeline Construction (Doc No: NES-CONST-1001) to ensure that its holiday detector voltages are set based on the coating thickness applied on field coated joints.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. Enclosed as part of this Notice is a document entitled Response Options for Pipeline Operators in Compliance Proceedings.

Please refer to this document and note the response options. 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).

¹ See NACE SP0188-2006 at 3 tbl. 1 (Dec. 27, 2006).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under § 190.211. 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 an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that Navigator Borger Express LLC maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Bryan Lethcoe, Director, Southwest Region, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 4-2023-054-NOA** 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

Enclosure: *Response Options for Pipeline Operators in Enforcement Proceedings*

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