



2807 Allen Street # 833
Dallas, Texas 75204
PHONE: 214-880-6000
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October 30, 2024

Via email, confirmed by nationally recognized overnight courier

Mr. Bryan Lethcoe
Director, Southwest Region PHMSA
Pipeline and Hazardous Materials Safety Administration
8701 S. Gessner Ste. 1110
Houston, Texas 77074

RE: CPF 4-2024-052 NOPV; Notice of Probable Violation and Proposed Compliance Order

Dear Mr. Lethcoe;

On October 30, 2024, Navigator Borger Express LLC received a Notice of Probable Violation and Proposed Compliance Order from your office relating to a series of PHMSA inspections that were conducted on Navigator Borger Express facilities between the dates of March 4-8th, March 11-14th and May 13th-17th 2024 located in Oklahoma and Texas. In that letter PHMSA outlines 2 areas of possible violation to 49 CFR 195 regulations. The Notice reflects that item 2 listed in the notice was discovered and the corrected report was submitted on August 6, 2024. Navigator would like to respond to the alleged violation, Item 1 cited in the Notice of Probable Violation (NOPV) referenced above. In our response the allegations will be repeated and the Navigator response will follow immediately in bold text.

Item 1. § § 195.262 Pumping equipment.

(a)

(d) Except for offshore pipelines, pumping equipment must be installed on property that is under the control of the operator and at least 15.2 m (50 ft) from the boundary of the pump station.

Navigator failed to install its onshore pumping equipment on property that is under the control of the operator and at least 15.2 m (50 ft) from the boundary of the pump station in accordance with § 195.262(d). Specifically, Navigator's pumping equipment at its Canadian Station is approximately 24.617 feet from the western fence line that marks the boundary of the pump station.

During the inspection, PHMSA inspectors observed that the distance from the pump at Navigator's Canadian Station did not appear to be at least 50 feet from the nearby fence towards the west. PHMSA estimated the distance between the west fence line and the pumping equipment to be approximately 24.617 feet using PIMMA plus measurements.

Navigator Borger Express Response Item 1:

Navigator acknowledges receipt of the notice of probable violation regarding fencing distance requirements under 49 CFR 195.262. Upon inspection, it was identified that the original fencing was not located further than a 50-foot distance from the pumping equipment. This issue has since been rectified by relocating the western fence line on the property to the western boundary of the property under Navigator's control.

A new fence was installed at the western boundary of the property controlled by Navigator to meet the 50-foot minimum distance requirement. Photographic evidence documenting the completed installation was submitted via email on August 30, 2024. Emails were also submitted on August 9th and August 23rd with photo updates of the installation progress to Mr. Joshua Tuano, General Engineer – Inspector PHP. We confirm that the corrective action has been fully executed, and the matter is now in compliance with regulatory standards.

Item 2. § 195.49 Annual report.

Each operator must annually complete and submit DOT Form PHMSA F 7000-1.1 for each type of hazardous liquid pipeline facility operated at the end of the previous year. An operator must submit the annual report by June 15 each year, except that for the 2010 reporting year the report must be submitted by August 15, 2011. A separate report is required for crude oil, HVL (including anhydrous ammonia), petroleum products, carbon dioxide pipelines, and fuel grade ethanol pipelines. For each state a pipeline traverses, an operator must separately complete those sections on the form requiring information to be reported for each state.

Navigator failed to complete and submit annually DOT Form PHMSA F 7000-1.1 for each type of hazardous liquid pipeline facility operated at the end of the previous year in accordance with § 195.49. Specifically, Navigator failed to accurately report the total mileage that could affect a High Consequence Area (HCA) for its Texas crude oil interstate pipeline for reporting years 2022 and 2023 (submitted in 2023 and 2024, respectively). During the inspection, Navigator provided its HCA map for the Borger Express pipeline, which shows that the pipeline crosses areas that could affect HCAs in Texas.

Therefore, Navigator failed to accurately report its total mileage that could affect HCA in its DOT Form PHMSA F 7000-1.1 submitted for calendar years 2022 and 2023 in accordance with § 195.49. The operator provided supplemental reports reflecting the correct HCA mileage for both 2022 and 2023 on August 6, 2024.

Navigator Borger Express Response Item 2:

Navigator submitted to PHMSA supplemental reports reflecting the correct HCA mileage for 2022 and 2023 on August 6, 2024. We confirm that the corrective action has been fully executed, and the matter is now in compliance with regulatory standards.

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Sincerely,

NAVIGATOR BORGER EXPRESS LLC

A handwritten signature in black ink, reading "Vidal Rosa". The signature is written in a cursive style with a large, stylized "V" and a long, sweeping "R".

Vidal Rosa
Sr. Vice President of Operations
Navigator Energy Services