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Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA, Plaintiff, v. IDAHO PIPELINE CORPORATION, Defendant.	Case No. ____________ **COMPLAINT**

The United States of America, on behalf of the U.S. Department of the Treasury and the U.S. Department of Transportation, files this Complaint and alleges as follows:

I. JURISDICTION

1. This is a civil debt collection action stemming from the failure of Defendant Idaho Pipeline Corporation (Defendant) to pay a debt arising from its violation of the Federal Pipeline Safety Laws, 49 U.S.C. § 60101 *et seq*.

2. This action is brought pursuant to the Federal Debt Collection Improvement Act of 1996 (FDCIA), 31 U.S.C. § 3701 *et seq*.

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1345.

II. VENUE

4. Venue is proper in the United States District Court for the District of Idaho pursuant to 28 U.S.C. § 1391 because Defendant resides and conducts business within the District of Idaho and a substantial portion of the events or omissions giving rise to the United States' claim occurred in the District of Idaho.

5. Pursuant to United States District Court for the District of Idaho Local Civil Rule 3.1, venue is proper in the District of Idaho's Southern Division.

III. PARTIES

6. Plaintiff is the United States of America (Plaintiff).

7. Defendant Idaho Pipeline Corporation is an Idaho corporation that conducts business in the State of Idaho, including in Ada County. Defendant owns and operates a pipeline system in Boise, Idaho, that is designed to receive, store, and transfer jet fuel to the Idaho Air National Guard.

IV. GENERAL ALLEGATIONS

8. Defendant has failed to pay a civil penalty, interest, late penalty, and other fees arising from Defendant's violation of the Federal Pipeline Safety Laws, 49 U.S.C. § 60101 *et seq*.

9. The purpose of the Federal Pipeline Safety Laws, 49 U.S.C. § 60101 *et seq.*, "is to provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities by improving the regulatory and enforcement authority of the Secretary of Transportation." 49 U.S.C. § 60102 (a)(1).

10. Under Section 60122(a), the Secretary of Transportation (Secretary) may impose civil penalties, after written notice and an opportunity for a hearing, on persons the Secretary

decides violated Section 60114(b), 60114(d), or Section 60118(a) or a regulation or order issued thereunder. 49 U.S.C. § 60122.

11. "The Secretary may request the Attorney General to bring a civil action in an appropriate district court of the United States to collect a civil penalty imposed under this section." 49 U.S.C. § 60122(c).

12. On August 9, 2019, after written notice and an opportunity for a hearing, the Secretary, acting through the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), imposed a $49,000 civil penalty on Defendant for violating 49 C.F.R. § 195.404(a)(3) by failing to maintain current records of its pipeline system. Specifically, Defendant failed to maintain current records or calculations that validated the maximum operating pressure of its 8-inch and 4-inch pipelines. A copy of the Final Order imposing this civil penalty is attached hereto as **Exhibit A** (Final Order).

13. The Final Order informed Defendant that:

> Failure to pay the $49,000 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 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.

Final Order at 6.

14. Plaintiff attempted to collect this $49,000 civil penalty from Defendant through demand letters. *See* **Exhibit B** (December 9, 2019 Demand Letter) and **Exhibit C** (July 28, 2023 Demand Letter).

15. Plaintiff also attempted to collect this $49,000 civil penalty through private collection agencies, namely Performant Recovery, Inc. and TransWorld Systems, Inc.

16. Despite these efforts, Defendant failed to make payment.

17. The unpaid civil penalty owed by Defendant is a debt within the meaning of the Federal Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. § 3701 *et seq*. Under the DCIA, the term "claim" or "debt" means "any amount of funds or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person, organization, or entity." 31 U.S.C. § 3701(b)(1). "A claim includes, without limitation … any fines or penalties assessed by an agency; and other amounts of money or property owed to the Government." 31 U.S.C. § 3701(b)(1)(F-G).

18. Pursuant to the DCIA, Plaintiff is required to charge interest, administrative costs, and a penalty charge on an outstanding debt that is not paid within certain timeframes. 31 U.S.C.§ 3717. Specifically, Plaintiff is required to charge interest on an outstanding debt if the claim is not paid within 30 days after notice of the amount due is mailed to the debtor. 31 U.S.C. § 3717(a)(1), (b)(2), and (d). Plaintiff must also assess "(1) a charge to cover the cost of processing and handling a delinquent claim; and (2) a penalty charge of not more than 6 percent a year for failure to pay a part of a debt more than 90 days past due." 31 U.S.C. § 3717(e).

19. As of July 27, 2023, Defendant was indebted to the United States in the following amounts:

Principal:	$ 49,000.00
Interest (@1.00%):	$ 1,918.74
Penalty (@6.00%):	$ 12,253.58
Administrative Costs:	$ 22,859.45
Total:	**$ 86,031.77**

See **Exhibit D** (Certificate of Indebtedness for Claim No. TRFM12638279).

Count I: Treasury Claim No. TRFM12638279

20. Plaintiff realleges and incorporates by reference the above paragraphs as if recited verbatim herein.

21. Defendant is indebted to Plaintiff in an amount in excess of $86,031.77, which includes:

a. a principal amount of $49,000.00; interest of $1,918.74 that accrued through July 27, 2023, plus additional sums owed in interest that have accrued since then and continue to accrue at 1.0% annually;

b. a penalty of $12,253.58 accrued through July 27, 2023, plus additional penalty sums owed that have accrued since then and continue to accrue at 6.0% annually; and

c. administrative costs of $22,859.45.

22. Defendant has repeatedly failed to pay the aforesaid sums although multiple demands have been duly made.

23. As of May 29, 2024, the principal, interest, penalty, and administrative costs owed by Defendant total $88,917.57.

WHEREFORE, the Plaintiff, UNITED STATES OF AMERICA, prays for judgment against Defendant, IDAHO PIPELINE CORPORATION, in the sum of $88,917.57 plus additional sums owed in interest accruing at 1.0% annually and penalty charges accruing at 6.0% annually, as well as costs and attorneys' fees accrued while pursuing this action, and for such other and further relief as this Court may deem proper.

Respectfully submitted this 29th day of May, 2024.

JOSHUA D. HURWIT
UNITED STATES ATTORNEY
By:

/s/James P. Shaefer
James P. Schaefer
Assistant United States Attorney

U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

AUG 09 2019

Mr. Robert Rose
President
Idaho Pipeline Corporation
P.O. Box 15653
Boise, Idaho 83715

Re: CPF No. 5-2018-6015

Dear Mr. Rose:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation, assesses a civil penalty of $49,000, and specifies actions that need to be taken by Idaho Pipeline Corporation 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, Western 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: Mr. Dustin Hubbard, Director, Western Office, Office of Pipeline Safety, PHMSA

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

In the Matter of	)	
Idaho Pipeline Corporation,	)	**CPF No. 5-2018-6015**
Respondent.	)	

FINAL ORDER

During September 5 through 8, 2017, and September 18 through 21, 2017, pursuant to 49 U.S.C. § 60117, representatives 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 Idaho Pipeline Corporation's Boise Aviation Fuel Pipeline (IDPC or Respondent) in Boise, Idaho.[1] The IDPC's Boise Aviation Fuel Pipeline (BAFP) is an 8- and 4-inch pipeline system totaling 2.69 miles.[2] The BAFP was built in 1987 and was designed to receive, store, and transfer jet fuel to the Idaho Air National Guard.[3]

As a result of the inspection, the Director, Western Region, OPS (Director), issued to Respondent, by letter dated July 19, 2018, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that IDPC had committed two violations of 49 C.F.R. Part 194 and three violations of 49 C.F.R. Part 195, and proposed assessing a civil penalty of $49,000 for one of the alleged violations. The Notice also proposed ordering Respondent to take certain measures to correct the alleged violations.

IDPC responded to the Notice by letter dated August 17, 2018 (Response). The company contested one allegation, offered additional information in response to the Notice, and requested that the proposed civil penalty be eliminated or reduced. Respondent did not request a hearing and therefore has waived its right to one.

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[1] Idaho Pipeline Corporation is a sister company of several other pipeline companies owned or controlled by Mr. Robert L. Rose. E.g., *In the Matter of St. Louise Pipeline Operating*, LLC, CPF 3-2017-5006, 2018 WL 3703699, at 4 (May 1, 2018); *In the Matter of Tampa Bay Pipeline Company* CPF 2-2013-6009, 2014 WL 6877083, at 5 (September 29, 2014); *In the Matter of the Pipelines of Puerto Rico, Inc.*, CPF 2-2012-6020, at Footnotes 1 and 2, (February 28, 2013). PHMSA final orders are accessible on the agency's website, available at http:// primis.phmsa.dot.gov/comm/reports/enforce/Actions.

[2] PHMSA Violation Report, on file with PHMSA.

[3] *Id.*, at Exhibit A, page 72 of 91.

FINDINGS OF VIOLATION

The Notice alleged that Respondent violated 49 C.F.R. Parts 194 and 195, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 194.7(b), which states:

> **§ 194.7 Operating restrictions and interim operating authorization.**
> (a) ....
> (b) An operator must operate its onshore pipeline facilities in accordance with the applicable response plan.

The Notice alleged that Respondent violated 49 C.F.R. § 194.7(b) by failing to follow the National Preparedness for Response Exercise Program (PREP) guidelines as required by its own oil spill response plan. Specifically, the Notice alleged that IDPC failed to satisfy the general response plan requirement of inclusion of a drill program that followed PREP guidelines. The Notice alleged, for example, that IDPC failed to perform an Incident Management Team exercise and also failed to perform an Equipment Deployment drill under sections 5.2 and 5.3 of PREP, respectively, within the required triennial cycle.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 194.7(b) by failing to follow the PREP guidelines as required by its oil spill response plan.

Item 2: The Notice alleged that Respondent violated 49 C.F.R. § 194.107(c)(1)(viii), which states:

> **§ 194.107 General response plan requirements.**
> (a) ....
> (c) Each response plan must include:
> (1) A core plan consisting of-
> (i) ....
> (viii) Equipment testing...

The Notice alleged that Respondent violated 49 C.F.R. § 194.107(c)(1)(viii) by failing to test its emergency response equipment. Specifically, the Notice alleged that IDPC had response equipment at its terminal but was unable to provide any documentation demonstrating that it had performed testing on this emergency response equipment.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 194.107(c)(1)(viii) by failing to test its emergency response equipment.

Item 3: The Notice alleged that Respondent violated 49 C.F.R. § 195.402(c)(3), which states:

> **§ 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.

The Notice alleged that Respondent violated 49 C.F.R. § 195.402(c)(3) by failing to prepare and follow a written procedure for operating, maintaining and repairing the pipeline in accordance with Part 195 Subpart F-Operation and Maintenance (O&M). Specifically, the Notice alleged that IDPC's O&M manual failed to have a written procedure for establishing the maximum operating pressure (MOP) for its 8- and 4-inch pipelines in accordance with § 195.406.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.402(c)(3) by failing to have and follow a written procedure for establishing the MOP for its 8- and 4-inch pipelines in accordance with § 195.406.

Item 4: The Notice alleged that Respondent violated 49 C.F.R. § 195.404(a)(3), which states:

§ 195.404 Maps and records.

(a) Each operator shall maintain current maps and records of its pipeline systems that include at least the following information:

(1) ....

(3) The maximum operating pressure of each pipeline.

The Notice alleged that Respondent violated 49 C.F.R. § 195.404(a)(3) by failing to maintain current records of its pipeline system that include the MOP. Specifically, the Notice alleged that IDPC could not produce any records or calculations that were used to establish the MOP of its 8- and 4-inch pipelines.

In its Response, IDPC argued that on November 11, 2009, its contractor performed an eight-hour pressure test on both the 8- and 4-inch pipelines and established an MOP of 292 psig in accordance with § 195.304. At that time, IDPC stated that it opted to establish an MOP of 275 psig. IDPC stated further that its contractor performed another pressure test of its 8- and 4-inch pipelines on April 30, 2014, which established an MOP of 289 psig. IDPC argued that instead of adopting the higher MOP of 289 psig in 2014, it chose to retain the established MOP of 275 psig. IDPC also argued that all of the test records were available at the time of the inspection.

Section 195.404(a)(3) requires each operator to maintain records of its pipeline system that include the MOP of each pipeline. The MOP of each pipeline, pursuant to § 195.406, may not exceed any of the following pressures: (1) internal design pressure of the pipe; (2) design pressure of any component of the pipeline; and (3) eighty percent of the test pressure, among other specifications.

While IDPC contends that its eight-hour pressure tests in 2009 and 2014, and the pressure test records, constitute records sufficient to demonstrate the MOP in accordance with § 195.404(a)(3), pressure test records are only a portion of the records Respondent is required to maintain to establish the MOP. Respondent failed to provide other records or calculations necessary to establish or substantiate the MOP of its 8- and 4-inch pipelines. For example, Respondent did not provide records regarding the design pressure of the pipe or any components of the pipeline. Records that are needed to determine or substantiate the MOP may include, but are not limited to, pipe manufacturer specification records, pipe mill records, pipe yield strength, seam type, wall thickness, and pipe diameter thickness.

Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.404(a)(3) by failing to maintain current records of its pipeline system, particularly, records or calculations that validate the MOP of its 8- and 4-inch pipelines.

Item 5: The Notice alleged that Respondent violated 49 C.F.R. § 195.440(a), which states:

> **§ 195.440 Public awareness.**
> (a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, *see* § 195.3).

The Notice alleged that Respondent violated 49 C.F.R. § 195.440(a) by failing to develop and implement a written continuing public education program that follows the guidance provided in API RP 1162. Specifically, the Notice alleged that IDPC had established a continuing public awareness program but had failed to follow several sections of API RP 1162.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.440(a) by failing to properly develop and implement a written continuing public education program that follows the guidance provided in API RP 1162.

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.[4] 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

[4] These amounts are adjusted annually for inflation. *See* 49 C.F.R. § 190.223; Revisions to Civil Penalty Amounts, 83 Fed. Reg. 60732, 60744 (Nov. 27, 2018).

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 $49,000 for one of the violations cited above.

Item 4: The Notice proposed a civil penalty of $49,000 for Respondent's violation of 49 C.F.R. § 195.404(a)(3), for failing to maintain current records of its pipeline system, specifically records or calculations that validate the MOP of its 8- and 4-inch pipelines. In its Response, IDPC contested the violation but argued, in the alternative, that the proposed penalty should be reduced due to financial hardship. According to the company, its supplier terminated its Connection and Operations agreement with IDPC, resulting in the loss of its resupply capability and any associated revenues since May 13, 2017.[5] IDPC provided no records to support its assertion, but asked to "reserve the right to provide further information if needed."

In determining the amount of a civil penalty under 49 U.S.C. § 60122 and 49 C.F.R. § 190.225, I must consider any effect that the penalty may have on Respondent's ability to continue doing business. However, respondents "must provide PHMSA with the means by which the agency can accurately determine the company's true financial condition."[6] PHMSA has previously instructed operators, including IDPC's President, that asserting a claim of financial hardship requires that the company submit "accurate and reliable information on the financial condition" of the company.[7] Thus, Respondent had notice that failure to provide such documentation in the Response would be grounds for denial of such a claim.[8] Since Respondent has again asserted a financial hardship argument without providing any supporting documentation, I find no basis for reducing or eliminating the proposed penalty on grounds of financial hardship. Respondent's request to "reserve the right" to provide further information prior to issuance of this order is denied pursuant to § 190.208, which required Respondent to submit all responsive material no later than 30 days after its receipt of the Notice.

Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of **$49,000** for violation of 49 C.F.R. § 195.404(a)(3).

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.

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[5] Response, at 2.

[6] *In the Matter of Tampa Bay Pipeline Corp.*, Decision on Reconsideration, CPF No. 2-2005-6012, 2008 WL 902910, at 2 (Mar. 31, 2008). *See also*, *In the Matter of Tampa Pipeline Corporation*, CPF 2-2008-6002, 2010 WL 2228556, at 19 (April 26, 2010). The Notices and Final Orders in both of these matters were addressed to Robert Rose, the president of both IDPC and the Tampa Pipeline Corporation.

[7] *Id.*

[8] *Id.*

Failure to pay the $49,000 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 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 1-5 in the Notice for violations of 49 C.F.R. §§ 194.7(b), 194.107(c)(1)(viii), 195.402(c)(3), 195.404(a)(3) and 195.440(a), respectively. Under 49 U.S.C. § 60118(a), each person who engages in the transportation of hazardous liquids or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. 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 § 194.7(b), (**Item 1**), Respondent must perform an Incident Management Team (tabletop exercise) and field equipment deployment exercise, and provide the records to the Director to verify that the drills have been performed within 60 days of receipt of the Final Order.

2. With respect to the violation of § 194.107(c)(1)(viii), (**Item 2**), Respondent must properly test emergency response equipment stored at the Boise Terminal and provide the testing results to the Director to verify that testing occurred within 60 days of the Final Order.

3. With respect to the violation of § 195.402(c)(3), (**Item 3**), Respondent must develop a written procedure to establish the MOP for its pipeline system, and provide the procedure to the Director for review and approval within 60 days of receipt of the Final Order.

4. With respect to the violation of § 195.404(a)(3), (**Item 4**), Respondent must provide records to the Director to verify how it previously established the MOP of its pipeline system. If the process by which the MOP was established is unknown, it must re-establish the MOP of the pipelines (both the 8- and 4-inch lines) in accordance with Part 195, and provide the records to the Director within 60 days of receipts of the Final Order.

5. With respect to the violation of § 195.440(a), (**Item 5**), Respondent must develop and implement a written Public Awareness Program that follows API RP 1162, including addressing all the identified deficiencies set forth in Item 5 of the Notice, and provide the written program to the Director within 60 days of receipt of the Final Order.

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.

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.

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

AUG 0 9 2019
Date Issued

U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
P. O. BOX 830794
BIRMINGHAM, AL 35283-0794

December 9, 2019

003116

IDAHO PIPELINE CORPORATION
P.O. BOX 15653
ATTN: MR. ROBERT ROSE
BOISE, ID 83715

Our records indicate that you owe the U.S. Government $65,987.42.

The Civil Fines and Penalties, Pipeline & Hazardous Materials Safety Administration, referred your unpaid debt to the U.S. Department of the Treasury, Bureau of the Fiscal Service, for immediate collection. You must immediately pay your debt to stop collection action and prevent the addition of more interest, penalties and administrative costs.

Treasury Case Number: L32755914
Agency Debt Number: 5-2018-6015

How Do I Pay My Debt?
Pay Online: Visit www.pay.gov/paygov/paymydebt and follow the instructions to pay online.

Pay By Phone: Call (888) 826-3127 and provide our agent your debit card information. You may also discuss payment options with representatives at this number if you are unable to satisfy the debt immediately. Hearing impaired persons may use the Federal Relay Service by dialing (800) 877-8339 to reach a Communications Assistant, who will dial the toll free number.

Pay By Mail: Mail your payment and completed payment coupon to the address below. If you pay by check, include the Treasury Case Number L32755914 in the memo section of your check. When you provide a check as payment, you authorize us to use the information from your check to make a one-time electronic funds transfer from your account or to process your payment as a check transaction.

What If I Do Not Pay My Debt?
As allowed by federal law, we may withhold some or all monies from your tax refunds and other federal and state payments. We may garnish your wages, refer your unpaid debt to a collection agency and report your debt to the credit bureaus, which could hurt your credit score. You will find further information online at www.fiscal.treasury.gov/debt. If you wish to send us written correspondence, other than payments, please address it to: U.S. Department of the Treasury, P.O. Box 830794, Birmingham, AL 35283-0794. DO NOT send payments to this address.

U. S. Department of the Treasury, Bureau of the Fiscal Service

DSBDL__003_ fdv1 DETACH HERE 0000003092L32755914 DL__0030928059 108

PAYMENT COUPON
*Includes applicable interest, administrative costs and penalties.

Name Of Debtor: IDAHO PIPELINE CORPORATION
Treasury Case Number: L32755914 *Amount Due: $65,987.42

Send your payment to:
U.S. Department of the Treasury
P.O. Box 979101
St. Louis, MO 63197-9000

METHOD OF PAYMENT
Pay online at www.pay.gov/pay.gov/paymydebt or select one below:

☐ Check ☐ Money Order Amount Enclosed $______________

United States Department of Justice
Nationwide Central Intake Facility (NCIF)
2 Constitution Square
145 N. Street, NE 6W.316
Washington, DC 20530

July 28, 2023

IDAHO PIPELINE

CORPORATION
P.O. BOX 15653
Boise, ID 83715

Re:	**Case Name**	**US VS IDAHO**
	Account Number:	**2023A50214/001**
	Total Amount Due:	**$86,031.77**
	Payment Due Date:	**Immediately**

This is a demand for payment of the above-referenced debt. If you are currently represented by an attorney, please advise this office so that future correspondence may be directed to your attorney.

Dear IDAHO PIPELINE CORPORATION :

The DEPARTMENT OF THE TREASURY has referred your debt in the above referenced amount to the United States Attorney Office/ District to initiate a federal court legal action against you and may obtain a civil judgment in the United States District Court for the collection of this debt. In the event an action is filed, that office will seek additional costs and fees which will be added to your debt.

To avoid legal action against you and further increases to the amount you owe, you should pay this debt in full, immediately upon receipt of this letter, or contact the United States Attorney Office / District at 208-334-1211 to discuss this debt. If you or your attorney does not contact this office the following may occur:

- **The federal court can enter a judgment ordering you to pay. Judgments do not expire and may appear on your credit report.**
- **A lien may be placed on any property you own, which means you cannot sell or transfer your property until the debt has been paid in full.**
- **Enforcement of the judgment may include attachment or execution of your non-exempt personal property, offset of your federal tax refund, and garnishment of your wages.**

Act now and prevent the above actions from happening to you.

How do you pay your debt?

- **Pay Online:** Visit https://pay.gov/public/form/start/5137251
- **Pay by Mail:** Send a check or money order payable to the U.S. Department of Justice in the enclosed, self-addressed envelope and include your name and the above referenced account number on the face of your check. To pay by debt card, use the form on the back of this letter.

Sincerely,
United States Department of Justice
Debt Collection Management
Nationwide Central Intake Facility

Debt Card Type____________________________
Card No.________________________________
Expiration Date____________________________
Payment Amount___________________________

If payment amount is not indicated, I authorize the Department of Justice to charge my card for the payment amount due.

Signature_______________________________

☐ **Check here for change of address and notate below.**

Account Number	2023A50214/001
Name	IDAHO PIPELINE CORPORATION
Payment Due Date	Immediately
Total Amount Due	$86,031.77
Amount Enclosed	

MAIL COUPON TO;
US DEPARTMENT OF JUSTICE
NATIONWIDE CENTRAL INTAKE FACILITY
P.O. Box 790363
St. Louis, MO 63179-0363

U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINSTRATION (TRAN/PHMSA)
CERTIFICATE OF INDEBTEDNESS

Idaho Pipeline Corporation
P.O. Box 15653
ATTN: Robert Rose
Boise, ID 83715

EIN:16-0973410

TRFM12638279

I hereby certify, as part of my duties with the U.S. Department of the Treasury, Bureau of the Fiscal Service, Disbursement and Debt Management (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (TRAN/PHMSA), to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of records relating to the debt owed by Idaho Pipeline Corporation., (DEBTOR) to TRAN/PHMSA.

The information contained in this Certificate of Indebtedness is based on documents created by an employee or contractor of TRAN/PHMSA based on his/her knowledge at or near the time the events were recorded, including the review of the delinquency of payments relating to civil money penalties. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from TRAN/PHMSA.

On August 29, 2019, TRAN/PHMSA determined the DEBTOR delinquent in repaying the debt owed for five (5) violations totaling $49,000.00, with an annual interest rate of 1.00% and annual penalty interest rate of 6.00%: (1) failing to follow the National Preparedness for Response Exercise Program (PREP) guidelines without registration, (2) failing to test its emergency response equipment, (3) failing to prepare and follow a written procedure for operating, maintaining and repairing the pipeline, (4) failing to maintain current records of its pipeline system that include the MOP, and (5) failing to develop and implement a written continuing public education program. TRAN/PHMSA sent the DEBTOR letters advising of the debt and requesting payment to no avail. TRAN/PHMSA referred the debt to Treasury for collection on December 5, 2019.

On July 26, 2023, Treasury referred the debt to DOJ for litigation and collection in the amount due of $49,000.00 with daily interest of $1.35 and daily penalty of $8.05. As of July 27, 2023, the DEBTOR is indebted to the United States in the amounts stated as follows:

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Principal:	$	49,000.00
Interest (@1.00%):	$	1,918.74
Penalty (@6.00%):	$	12,253.58
Administrative Costs:	$	22,859.45
Total:	**$**	**86,031.77**

The balance stated in the debt listed above is current as of July 27, 2023, including any applicable interest, penalties, administrative fees, and Treasury & DOJ fees (pursuant to 31 U.S.C. §§ 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. § 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the TRAN/PHMSA and information contained in Treasury's records.

7/27/2023

X Ashleigh Edmonds

Signed by: Bureau of the Fiscal Service

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Idaho

UNITED STATES OF AMERICA *Plaintiff(s)* v. IDAHO PIPELINE CORPORATION *Defendant(s)*	)	Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* IDAHO PIPELINE CORPORATION
1219 S East Ave, Ste 301
Sarasota, FL 34239-2356

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

James P. Schaefer
Assistant United States Attorney
1290 W. Myrtle St., Suite 500
Boise, ID 83702

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: ____________________

____
Signature of Clerk or Deputy Clerk