



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

1200 New Jersey Avenue, SE
Washington, DC 20590

September 10, 2025

VIA ELECTRONIC MAIL TO: tcantrall@fmi.com

Todd Cantrall
Vice President of Operations Oil and Gas
Freeport-McMoRan Oil & Gas
21 Waterway Ave., Suite 250
The Woodlands, TX 77380

Re: CPF No. 5-2023-031-NOPV

Dear Mr. Cantrall:

Enclosed please find the Final Order issued in the above-referenced case. It withdraws two of the allegations of violation, makes other findings of violation, withdraws the proposed civil penalty, and specifies actions that need to be taken by Freeport-McMoRan Oil & Gas to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Western Region, this enforcement action will be closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 CFR § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

LINDA GAIL
DAUGHERTY

Digitally signed by LINDA
GAIL DAUGHERTY
Date: 2025.09.08
17:08:19 -04'00'

Linda Daugherty
Acting Associate Administrator
for Pipeline Safety

Enclosures

cc: Mr. Dustin Hubbard, Director, Western Region, Office of Pipeline Safety, PHMSA

Mr. Dave Willis, Pipeline Integrity Manager, DCOR LLC, dwillis@dcorllc.com

Ms. Heather Carreno, FMOG Primary Compliance, DCOR LLC, hcarreno@dcorllc.com

Mr. David Rose, Director, Environmental Health and Safety, FMOG, drose@dcorllc.com

CONFIRMATION OF 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	)	
	)	
	)	
Freeport-McMoRan Oil & Gas,	)	CPF No. 5-2023-031-NOPV
a subsidiary of Freeport-McMoRan,	)	
	)	
Respondent.	)	
	)	

FINAL ORDER

From October 4 through 7, 2022, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of Freeport-McMoRan Oil & Gas's (FMOG or Respondent) eight-inch hazardous liquid pipeline that originates at Platform Irene and terminates at the Lompoc Oil and Gas Plant in Lompoc, California. FMOG is a wholly owned subsidiary of Freeport-McMoRan, a U.S.-based natural resource company with a global portfolio of mineral assets.

As a result of the inspection, the Director, Western Region, OPS (Director), issued to Respondent, by letter dated October 11, 2023, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice). In accordance with 49 CFR § 190.207, the Notice proposed finding that FMOG had committed 11 violations of 49 CFR Parts 194 and 195, proposed assessing a civil penalty of \$87,800 for the alleged violations, and proposed ordering Respondent to take certain measures to correct the alleged violations. The Notice also included an additional two warning items pursuant to 49 CFR § 190.205, which warned Respondent to correct the probable violations or face possible future enforcement action.

FMOG responded to the Notice by letter dated December 8, 2023 (Response). FMOG contested several of the allegations, offered additional information in response to the Notice, and requested that the proposed civil penalty be reconsidered. Respondent did not request a hearing and therefore has waived its right to one.

FINDINGS OF VIOLATION

The Notice alleged that Respondent violated 49 CFR Parts 194 and 195, as follows:

Item 1: The Notice alleged that Respondent violated 49 CFR § 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 CFR § 194.7(b) by failing to operate its onshore pipeline facilities in accordance with the applicable response plan. Specifically, the Notice alleged that FMOG failed to provide records to demonstrate that the oil spill response drill had been conducted as required by its Oil Spill Response Plan, Section 9.2 - Spill Response Drills.

In its Response, FMOG contested Item 1 and stated it provided records located after PHMSA's inspection that indicated compliance with section 194.7(b).

In a recommendation for final action submitted pursuant to section 190.209(b)(7), the Director recommended withdrawing the alleged violation of section 194.7(b).

Based upon the foregoing, I hereby order that Item 1 be withdrawn.

Item 2: The Notice alleged that Respondent violated 49 CFR § 194.117(b), which states:

§ 194.117 Training.

(a)

(b) Each operator shall maintain a training record for each individual that has been trained as required by this section. These records must be maintained in the following manner as long as the individual is assigned duties under the response plan:

(1) Records for operator personnel must be maintained at the operator's headquarters; and

(2) Records for personnel engaged in response, other than operator personnel, shall be maintained as determined by the operator.

The Notice alleged that Respondent violated 49 CFR § 194.117(b) by failing to maintain training records for each individual as required by section 194.117(b). Specifically, the Notice alleged that FMOG failed to provide training records for 2019, 2020, 2021, and 2022 to show that its Incident Management Team had been trained as required by its Oil Spill Response Plan, Section 9.1 – Training.

In its Response, FMOG contested Item 2 and stated it provided records located after PHMSA's inspection that indicated compliance with section 194.117(b).

FMOG provided training records for 2020, 2021, 2022, and 2023. However, FMOG failed to provide training records for 2019.

In a recommendation for final action submitted pursuant to section 190.209(b)(7), the Director recommended reducing the alleged violation of section 194.117(b) to a warning after reviewing the additional records.

Based upon the foregoing, I hereby order that Item 2 be reduced to a warning.

Item 3: The Notice alleged that Respondent violated 49 CFR § 194.121(a), which states:

§ 194.121 Response plan review and update procedures.

(a) Each operator shall update its response plan to address new or different operating conditions or information. In addition, each operator shall review its response plan in full at least every 5 years from the date of the last submission or the last approval as follows:

(1) For substantial harm plans, an operator shall resubmit its response plan to OPS every 5 years from the last submission date.

(2) For significant and substantial harm plans, an operator shall resubmit every 5 years from the last approval date.

The Notice alleged that Respondent violated 49 CFR § 194.121(a) by failing to review its response plan in full at least every five years from the date of the last submission or the last approval. Specifically, the Notice alleged that FMOG failed to resubmit its response plan to PHMSA in 2022, which was five years from the last submission date in 2017.

In its Response, FMOG contested Item 3 and stated that the response plan was under review by two other agencies during the inspection. FMOG submitted the response plan to PHMSA after the inspection in December 2023.

While FMOG ultimately resubmitted its response plan, it was done so more than five years from the last submission date.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 194.121(a) by failing to review its response plan in full at least every five years from the date of the last submission or the last approval.

Item 4: The Notice alleged that Respondent violated 49 CFR § 195.402(a), which states:

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

(a) *General.* Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made

as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

The Notice alleged that Respondent violated 49 CFR § 195.402(a) by failing to review its procedural manual for operations, maintenance, and emergencies at intervals not exceeding 15 months, but at least once each calendar year. Specifically, the Notice alleged that FMOG failed to provide records indicating its emergency plan had been reviewed in 2019, 2020, 2021, and 2022.

In its Response, FMOG contested Item 4 and stated it provided records located after PHMSA's inspection that evidenced recent reviews of its emergency plan. FMOG also submitted a revised and updated emergency plan.

FMOG submitted records indicating its emergency plan was reviewed in 2023, but it failed to provide records indicating a review occurred in 2019, 2020, 2021, and 2022.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 195.402(a) by failing to review its procedural manual for operations, maintenance, and emergencies at intervals not exceeding 15 months, but at least once each calendar year.

Item 5: The Notice alleged that Respondent violated 49 CFR § 195.403(b)(1), which states:

§ 195.403 Emergency response training.

(a)

(b) At the intervals not exceeding 15 months, but at least once each calendar year, each operator shall:

(1) Review with personnel their performance in meeting the objectives of the emergency response training program set forth in paragraph (a) of this section; and

The Notice alleged that Respondent violated 49 CFR § 195.403(b)(1) by failing to review with personnel their performance in meeting the objectives of the emergency response training program set forth in section 195.403(a) at intervals not exceeding 15 months, but at least once each calendar year. Specifically, the Notice alleged that FMOG failed to provide records from 2019, 2020, 2021, and 2022 records to demonstrate compliance with section 195.403(b)(1).

In its Response, FMOG contested Item 5. FMOG argued that Compliance Form 17.01 demonstrates compliance with section 195.403(b)(1) because it includes records of the Emergency Response Plan (ERP) annual drill and review.

FMOG provided records related to its ERP annual drill and review for 2020, 2021, 2022, and 2023. However, none of those records indicate that FMOG reviewed with personnel their performance in meeting the objectives of the emergency response training. With respect to Compliance Form 17.01, FMOG only provided a blank copy.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 195.403(b)(1) by failing to review with personnel their performance in meeting the objectives of the emergency response training program set forth in section 195.403(a) at intervals not exceeding 15 months, but at least once each calendar year.

Item 6: The Notice alleged that Respondent violated 49 CFR § 195.403(c), which states:

§ 195.403 Emergency response training.

(a)

(c) Each operator shall require and verify that its supervisors maintain a thorough knowledge of that portion of the emergency response procedures established under § 195.402 for which they are responsible to ensure compliance.

The Notice alleged that Respondent violated 49 CFR § 195.403(c) by failing to require and verify that its supervisors maintained a thorough knowledge of that portion of the emergency response procedures established under section 195.402 for which they are responsible to ensure compliance. Specifically, the Notice alleged that FMOG failed to provide records from 2019, 2020, 2021, and 2022 records to demonstrate compliance with section 195.403(c).

In its Response, FMOG contested Item 6. FMOG argued that Compliance Form 17.01 demonstrates compliance with section 195.403(c) because it includes records of the Emergency Response Plan (ERP) annual drill, ERP review, and verification of supervisor knowledge.

FMOG provided records related to its ERP annual drill and review for 2020, 2021, 2022, and 2023. However, none of those records indicate that FMOG verified that its supervisors maintained a thorough knowledge of that portion of the emergency response procedures established under section 195.402 for which they are responsible to ensure compliance. With respect to Compliance Form 17.01, FMOG only provided a blank copy.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 195.403(c) by failing to require and verify that its supervisors maintained a thorough knowledge of that portion of the emergency response procedures established under section 195.402 for which they are responsible to ensure compliance.

Item 9: The Notice alleged that Respondent violated 49 CFR § 195.440(c), which states:

§ 195.440 Public awareness.

(a)

(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

The Notice alleged that Respondent violated 49 CFR § 195.440(c) by failing to follow the general program recommendations of API RP 1162. Specifically, the Notice alleged that FMOG failed to provide records that it established and maintained liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid or carbon dioxide pipeline emergency and means of communication for 2019, 2020, 2021, and 2022.

In its Response, FMOG contested Item 9 and stated that although the required activities were performed and documented, they were not provided during the inspection. FMOG attached the referenced records for 2019, 2020, 2021, and 2022 to its Response.

After reviewing the additional operator records, I find there is insufficient evidence to conclude that FMOG violated section 195.440(c).

Based upon the foregoing, I hereby order that Item 9 be withdrawn.

Item 10: The Notice alleged that Respondent violated 49 CFR § 195.452(h)(2), which states:

§ 195.452 Pipeline integrity management in high consequence areas.

(a)

(h) *What actions must an operator take to address integrity issues?* -

(1)

(2) *Discovery of condition.* Discovery of a condition occurs when an operator has adequate information to determine that a condition presenting a potential threat to the integrity of the pipeline exists. An operator must promptly, but no later than 180 days after an assessment, obtain sufficient information about a condition to make that determination, unless the operator can demonstrate the 180-day interval is impracticable. If the operator believes that 180 days are impracticable to make a determination about a condition found during an assessment, the pipeline operator must notify PHMSA in accordance with paragraph (m) of this section and provide an expected date when adequate information will become available.

The Notice alleged that Respondent violated 49 CFR § 195.452(h)(2) by failing to promptly, but no later than 180 days after an assessment, obtain sufficient information about a condition. Specifically, the Notice alleged that FMOG failed to evaluate and remediate 71 counts of 180-day conditions identified in a November 9, 2021 inline inspection (ILI) report (2021 ILI Report) in accordance with section 195.452(h)(4)(iii)(H).

In its Response, FMOG did not contest Item 10 but provided additional information. FMOG acknowledged that it was "unable to locate any formal review of the subject 2021 ILI report." However, FMOG stated it hired a third-party engineer to review the data from the 2021 ILI Report. In addition, FMOG stated that the same 180-day conditions did not appear when it ran an improved ILI tool (MFL-A Ultra) in October and December 2022. FMOG attached the more recent ILI report, dated March 20, 2023, to its Response (2023 ILI Report).

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 195.452(h)(2) by failing to promptly, but no later than 180 days after an assessment, obtain sufficient information about a condition.

Item 11: The Notice alleged that Respondent violated 49 CFR § 195.573(a)(2), which states:

§ 195.573 What must I do to monitor external corrosion control?

(a) *Protected pipelines.* You must do the following to determine whether cathodic protection required by this subpart complies with § 195.571:

(1)

(2) Identify not more than 2 years after cathodic protection is installed, the circumstances in which a close-interval survey or comparable technology is practicable and necessary to accomplish the objectives of paragraph 10.1.1.3 of NACE SP 0169 (incorporated by reference, *see* § 195.3).

The Notice alleged that Respondent violated 49 CFR § 195.573(a)(2) by failing to identify not more than 2 years after cathodic protection is installed, the circumstances in which a close-interval survey or comparable technology is practicable and necessary to accomplish the objectives of paragraph 10.1.1.3 of NACE SP 0169. PHMSA issued a warning letter to FMOG in 2020 that identified the same issue.¹

In its Response, FMOG did not contest Item 11 and stated it would conduct a close-interval survey analysis and provide the results to PHMSA.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 195.573(a)(2) by failing to identify not more than 2 years after cathodic protection is installed, the circumstances in which a close-interval survey or comparable technology is practicable and necessary to accomplish the objectives of paragraph 10.1.1.3 of NACE SP 0169.

Item 12: The Notice alleged that Respondent violated 49 CFR § 195.583(b), which states:

§ 195.583 What must I do to monitor atmospheric corrosion control?

(a)

(b) During inspections you must give particular attention to pipe at soil-to-air interfaces, under thermal insulation, under disbonded coatings, at pipe supports, in splash zones, at deck penetrations, and in spans over water.

The Notice alleged that Respondent violated 49 CFR § 195.583(b) by failing to give particular attention to pipe supports during atmospheric corrosion inspections. Specifically, the Notice alleged that it was impossible to conduct a visual inspection for atmospheric corrosion on a

¹ See Freeport-McMoRan Oil & Gas, Warning Letter, CPF No. 5-2020-7002W, Item 3 (Mar. 9, 2020), <https://primis.phmsa.dot.gov/enforcement-data/case/520207002W>.

portion of an above-ground pipe that was covered by a pipe support at Valve Site 1, Point Pedernales. PHMSA issued a warning letter to FMOG in 2020 that identified the same issue.²

In its Response, FMOG did not contest Item 12 and stated it would modify the existing pipe supports and inspect the contact points.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 195.583(b) by failing to give particular attention to pipe supports during atmospheric corrosion inspections.

Item 13: The Notice alleged that Respondent violated 49 CFR § 195.589(c), which states:

§ 195.589 What corrosion control information do I have to maintain?

(a)

(c) You must maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey, and test required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures or that corrosion requiring control measures does not exist. You must retain these records for at least 5 years, except that records related to §§ 195.569, 195.573(a) and (b), and 195.579(b)(3) and (c) must be retained for as long as the pipeline remains in service.

The Notice alleged that Respondent violated 49 CFR § 195.589(c) by failing to maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey, and test required in sufficient detail to demonstrate the adequacy of corrosion control measures or that corrosion requiring control measures did not exist. Specifically, the Notice alleged that FMOG failed to provide records that demonstrate that:

Item 13(1) - the Lompoc Oil and Gas Plant facility had been inspected for evidence of atmospheric corrosion at least once every 3 calendar years, but with intervals not exceeding 39 months as required by section 195.583(a);

Item 13(2) - Platform Irene had been inspected for evidence of atmospheric corrosion at least once each calendar year but with intervals not exceeding 15 months as required by section 195.583(a); and

Item 13(3) - that it corrected any identified deficiencies in corrosion control as required by section 195.401(b), such as the deficient cathodic protection (CP) readings at Valve Station #10 indicated in the 2020 and 2021 Pipe-to-Soil Annual Surveys.

In its Response, FMOG contested Item 13 and stated it provided the rectifier readings from 2019 to 2022, the bi-monthly rectifier and bond surveys performed for 2022 and 2023, and atmospheric corrosion inspection records for the Lompoc Oil and Gas Plant facility and Platform

² See Freeport-McMoRan Oil & Gas, Warning Letter, CPF No. 5-2020-7002W, Item 1 (Mar. 9, 2020), <https://primis.phmsa.dot.gov/enforcement-data/case/520207002W>.

Irene. FMOG stated it remediated the deficient CP readings and included a more recent Pipe-to-Soil Annual Survey with the new readings.

With respect to the deficient CP readings, FMOG provided records indicating that the deficient CP readings were remediated (Item 13(3)). However, FMOG failed to provide atmospheric corrosion inspection records for the Lompoc Oil and Gas Plant facility and Platform Irene (Items 13(1) and 13(2)).

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 195.589(c) by failing to maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey, and test required in sufficient detail to demonstrate the adequacy of corrosion control measures or that corrosion requiring control measures did not exist.

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, 33 U.S.C. § 1321(j), and 49 CFR § 190.223(b), Respondent is subject to an administrative civil penalty for the violations.

In determining the amount of a civil penalty under 49 CFR § 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; the good faith of Respondent in attempting to comply with the pipeline safety regulations; and self-disclosure or actions to correct a violation prior to discovery by PHMSA. In addition, I may consider the 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 \$87,800 for the violations cited above. Effective May 20, 2025, PHMSA revised its proposed civil penalty calculation policy to use the version of the Civil Penalty Worksheet in effect when the alleged violation occurred. The new policy reduces the total proposed civil penalty in this case to \$81,500.

Item 9: The Notice proposed a civil penalty of \$87,800 for Respondent's violation of 49 CFR § 195.440(c). The new policy for calculating a proposed civil penalty reduces the proposed civil penalty for this item to \$81,500. Since this alleged violation has been withdrawn, the proposed penalty is not assessed.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Items 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, and 13 in the Notice for violations of 49 CFR Parts 194 and 195. 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. Under 33 U.S.C. § 1321(b)(6)(A) and (m)(2), PHMSA may assess a civil penalty or require corrective action for any owner, operator, or person subject to Part 194 who fails or comply with an applicable regulation in Part 194. As discussed above, Items 1 and 9 have been withdrawn. Therefore, the compliance terms proposed in the Notice for those Items are not included in this Order. The Director has indicated that Respondent has taken the following actions to address some of the cited violations:

For Item 2, Respondent provided training records for its Qualified Individual and Incident Management Team. For Item 3, Respondent resubmitted its response plan. For Item 4, Respondent provided a revised and updated emergency plan. For Item 10, Respondent provided a 2023 ILI Report that did not include the same 180-day conditions referenced in the Notice using a more advanced ILI tool. For Item 13(3), Respondent provided records indicating the deficient CP readings were remediated.

Accordingly, I find that compliance has been achieved with respect to these violations. Therefore, the compliance terms proposed in the Notice for Items 2, 3, 4, 10, and 13(3) are not included in this Order.

As for the remaining compliance terms, pursuant to the authority of 49 U.S.C. § 60118(b) and 49 CFR § 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 section 195.403(b)(1) (**Item 5**), Respondent must review and update its emergency response training program as required by section 195.403(b)(1) and provide evidence of compliance to the Director, Western Region within six months of receipt of the Final Order.
2. With respect to the violation of section 195.403(c) (**Item 6**), Respondent must require and verify that its supervisors maintain a thorough knowledge of that portion of the emergency response procedures which they are responsible to ensure compliance with section 195.403(c) and provide evidence of compliance to the Director, Western Region within six months of receipt of the Final Order.
3. With respect to the violation of section 195.573(a)(2) (**Item 11**), Respondent must perform a close-interval survey and provide records of the completed work to the Director, Western Region within six months of receipt of the Final Order.
4. With respect to the violation of section 195.583(b) (**Item 12**), Respondent must modify its existing fixed pipe support at Valve Site 1, Point Pedernales, to be adjustable to allow for atmospheric corrosion inspections of the above-ground pipe surface at pipe-pipe support interface and provide records of the completed work to the Director, Western Region within six months of receipt of the Final Order.

5. With respect to the violation of section 195.589(c) (**Items 13(1) and 13(2)**), Respondent must inspect the pipelines or portions of its pipelines that are exposed to the atmosphere at the Lompoc Oil and Gas Plant facility and Platform Irene for evidence of atmospheric corrosion as required by section 195.583(a) and provide the inspection records to the Director, Western Region within six months 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.

PHMSA requests 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 administrative assessment of civil penalties not to exceed \$200,000, as adjusted for inflation (*see* 49 CFR § 190.223 for adjusted amounts), 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.

WARNING ITEMS

With respect to Items 7 and 8, the Notice alleged probable violations of Part 195, but identified them as warning items pursuant to section 190.205. The warnings were for:

49 CFR § 195.412(a) (**Item 7**) — Respondent's alleged failure to provide right-of-way inspection records from 2019 and 2020 for the onshore segment of its eight-inch hazardous liquid pipeline; and

49 CFR § 195.420(b) (**Item 8**) — Respondent's alleged failure to provide inspection records for each mainline valve from 2019 and 2020.

FMOG presented information in its Response showing that it had taken certain actions to address the cited items. If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

Under 49 CFR § 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. The written petition must be received no later than 20 days after receipt of the Final Order by Respondent. Any petition submitted must contain a statement of the issue(s) and meet all other requirements of 49 CFR § 190.243. The 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 CFR § 190.5.

LINDA GAIL
DAUGHERTY

Digitally signed by LINDA
GAIL DAUGHERTY
Date: 2025.09.08
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September 10, 2025

Linda Daugherty
Acting Associate Administrator
for Pipeline Safety

Date Issued