



IDAHO PIPELINE CORPORATION

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June 20, 2024

Dustin B. Hubbard
Director, Western Region PHMSA
12300 W. Dakota Ave., Suite 110
Lakewood CO 80226

Ref: Idaho Pipeline NOPV, PCP, and PCO (CPF 5-2024-003-NOPV)

Dear Director Hubbard,

On May 22, 2024, Idaho Pipeline Corporation received a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order, CPF No. 5-2024-003-NOPV, concerning our pipeline in Idaho. The NOPV alleged eight potential violations of the Pipeline and Hazardous Materials Safety Administration regulation 49 CFR Part 195. The NOPV included a Proposed Civil Penalty of \$90,800 for item number 2.

Idaho Pipeline contest the proposed civil penalty. In the interest of efficiency for all parties, we are not requesting a hearing, but through this letter we are submitting a written response to the NOPV and Proposed Civil Penalty, pursuant to 49 CFR Part 190. For the reasons set forth below, we respectfully request the withdraw the Proposed Civil Penalty, or, at a minimum, a significantly reduced civil penalty.

NOPV Item 4: Emergency Response Training (49 CFR 195.403(b)(1))

Item 2 of the NOPV states that: "IDPC failed to provide a procedure requiring the operator to review with personnel, their performance in meeting the objectives of the emergency response training program at intervals not exceeding 15 months, but at least once each calendar year, as required by § 195.403(b)(1). Specifically, IDPC failed to provide any records demonstrating that it reviewed its personnel's performance in meeting the objectives of their emergency response training program. IDPC did not demonstrate they reviewed emergency response personnel performance for calendar years 2019, 2020, and 2021. Accordingly, IDPC failed to have a procedure to review personnel performance in meeting the objectives of the emergency response training program at intervals not exceeding 15 months, but at least once each calendar year, as required by § 195.403(b)(1)."

Footnote #2 of NOPV States: A Notice of Amendment (NOA), with CPF# 5-2018-6016M, was filed against IDPC on October 10, 2018. Item 16 states, *"IDPC did not establish adequate written emergency response training procedures on how to make appropriate changes to the emergency response training program as necessary to ensure that it is effective in accordance with §195.403(b)(2). At the time of the inspection, it was noted that IDPC's O&M, Section 3.2.2, page 12, only paraphrased the code requirements, and did not set forth a process or procedure on how IDPC would ensure that its emergency response training program is effective."*

Accompanying Pipeline Safety Violation Report: Violation 2

Violation 2 of the Pipeline Safety Violation Report Part E7 – Culpability, statement "Operator made a deliberate decision not to comply with applicable requirement", was checked. Details to support statement, "In 2018, IDPC received a NOA (CPF# 5-2018-6016M) pertaining to the same issue and did not take action to correct the issue."

Item 2: NOPV and Proposed Civil Penalty Should be Withdrawn

Item 2 is different than the alleged violation in the NOA CPF# 5-2018-6016M, Item 16, contrary to the reference in footnote #2 of the NOV. Item 2 of NOV CPF# 5-2024-003-NOPV, addresses a procedure requiring the operator to review with personnel their performance in meeting the objectives of the emergency response training program at intervals once

each calendar year. However, Item 16 of the NOA addresses the requirement to have a procedure to make changes to the Emergency Response Plan (195.403(b)(2)).

IDPC did not make a deliberate decision not to comply with the requirement.

IDPC's Emergency Response Plan has been amended to include the following: Statement "At intervals not exceeding 15 months but at least once each calendar year IDPC TM will utilize actual and drill response reports to, review with personnel their performance in meeting emergency response training program, make appropriate changes to emergency response training program. Documentation of review and any changes will be kept with response reports."

On 1 November 2022 IDPC conducted a review of their drill on 10 August 2022 with personnel to review performance and address any changes to the emergency response training program. This review and a review from their drill in August 2023 are now on file in the IDPC office.

Summary and Requested Relief

We contend that NOPV item 2 is not identical to Item 16 of CPF# 5-2018-6016M. We also contend that Safety Violation Report Violation 2, Part E-7 Culpability statement describing the violation as a deliberate decision not to comply with applicable requirements is inaccurate. Therefore, we request that the Proposed Civil Penalty should be withdrawn or significantly reduced.

Additional information that should be considered associated with Proposed Civil Penalty, this penalty can greatly effect the operation of IDPC as it is 47% of our average revenue.

If you have any question or would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,



Robert L. Rose
President

cc: E. Rose
E. Kidd
W. Adams