



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 South Gessner, Suite 1110
Houston, TX 77074

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 1, 2007

Mr. Dan Tutcher, President
Enbridge Energy, Limited Partnership
1100 Louisiana, Suite 3300
Houston, TX 77002-7002

CPF 4-2007-5006M

Dear Mr. Tutcher:

On May 8-12, 2006, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), NY PSC, and MNOPS pursuant to Chapter 601 of 49 United States Code inspected Enbridge Energy, Limited Partnership (Enbridge) procedures for operations and maintenance in Superior, WI.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Enbridge's plan or procedure and are described below:

1. §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 commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

(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:

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

A. §195.402 (C)(13). Periodically reviewing the work done by operator to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

Enbridge Energy procedures did not contain a formal procedure to periodically review the work of personnel to determine the effectiveness of the O&M procedures relating to the pipeline safety regulations. Enbridge needs to amend their procedures to include reviewing the work of personnel to determine the effectiveness of the O&M procedures relating to the pipeline safety regulations.

B. §195.402(f) Safety related condition reports.

Enbridge Energy procedures did not clearly state that employees are trained on an ongoing basis to recognize safety related conditions. Enbridge needs to amend their procedures to state that employees are trained on an ongoing basis to recognize safety related conditions.

C. §195. 403 Emergency Response Training. (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.

Enbridge Energy procedures did not clearly state that supervisors are included in the annual training. Enbridge needs to amend their procedures to state that supervisors are included in annual training.

**D. §195. 408 Communications. (b) The communication system required by paragraph (a) of this section must, as a minimum, include means for:
3) Conducting two-way vocal communication between a control center and the scene of abnormal operations and emergencies; and,**

Enbridge Energy procedures did not fully describe the actual description of two-way communication methods and procedures (e.g. cell phones, landline to radio towers, etc) between the Edmonton Control Center and the scene of abnormal operations or emergencies. Enbridge needs to amend their procedures to describe the actual description of two-way communication methods between the Edmonton Control Center and the scene of abnormal operations or emergencies.

E. §195. 410 Line Markers. (a)(1) Except as provided in paragraph (b) of this section, each operator shall place and maintain line markers over each buried pipeline in accordance with the following:

- (1) Markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that its location is accurately known.**

Enbridge Energy procedures did not fully describe the practice of placing a sufficient number of line markers along the right-of-way. Enbridge needs to amend their procedures to describe the practice of placing a sufficient number of line markers along the right-of-way.

F. §195.428 Overpressure safety devices and overfill protection systems. (a) Except as provided in paragraph (b) of this section, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, or in the case of pipelines used to carry highly volatile liquids, at intervals not to exceed 7½ months, but at least twice each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

Enbridge Energy procedures did not address how the capacity of the relief valve is determined to be adequate. Flow capacity needs to be verified in light of changing operational parameters since the relief valves were originally installed. Enbridge needs to amend their procedures to describe how the capacity of the relief valve is determined to be adequate. Enbridge procedures need to take into account changing operational parameters for relief valves since they were originally installed.

G. §195.428 Overpressure safety devices and overfill protection systems. (c) Aboveground breakout tanks that are constructed or significantly altered according to API Standard 2510 after October 2, 2000, must have an overfill protection system installed according to section 5.1.2 of API Standard 2510. Other aboveground breakout tanks with 600 gallons (2271 liters) or more of storage capacity that are constructed or significantly altered after October 2, 2000, must have an overfill protection system installed according to API Recommended Practice 2350. However, operators need not comply with any part of API Recommended Practice 2350 for a particular breakout tank if the operator notes in the manual required by §195.402 why compliance with that part is not necessary for safety of the tank.

Enbridge Energy procedures did not fully describe the installation of overfill protection per API RP 2350 on breakout tanks that are significantly altered. Enbridge needs to amend their procedures to describe the installation of overfill protection per API RP 2350 on breakout tanks that are significantly altered.

H. §195.442 Damage prevention program. (c) The damage prevention program required by paragraph (a) of this section must, at a minimum:
(1) Include the identity, on a current basis of persons who normally engage in excavation activities in the area in which the pipeline is located.

Enbridge Energy procedures did not describe how the list of excavators is kept current.

**I. §195.442 Damage prevention program. c) The damage prevention program required by paragraph (a) of this section must, at a minimum:
(3) Provide a means of receiving and recording notification of planned excavation activities.**

Enbridge Energy procedures do not describe how one-call notifications are handled once notifications are received. Enbridge needs to amend their procedures to describe how one-call notifications are handled once notifications are received.

J. §195.555 What are the qualifications for supervisors?

Enbridge Energy procedures were not clear on the requirement for supervisors to maintain a thorough knowledge of corrosion control procedures, nor did the procedures state how supervisor knowledge of corrosion control was to be verified. Enbridge needs to amend their procedures need be clearly state the requirement for supervisors to maintain a thorough knowledge of corrosion control procedures and these procedures need to state how supervisor knowledge of corrosion control is verified.

K. §195.567 Which pipelines must have test leads and what must I do to install and maintain the leads?

Enbridge Energy procedures were not clear on how test leads are maintained. Enbridge needs to amend their procedures to state how test leads are maintained.

L. §195.571 What criteria must I use to determine the adequacy of cathodic protection?

Enbridge Energy procedures did not address IR drop considerations for the (-850 mV) on-criteria. Enbridge needs to amend their procedures to address IR drop considerations.

M. §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 Sec. 195.571:

(2) Identify before December 29, 2003 or not more than 2 years after cathodic protection is installed, whichever comes later, 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 Standard RP0169-96 (incorporated by reference, see Sec. 195.3).

Enbridge Energy procedures did not describe in what circumstances close interval surveys are completed. Enbridge needs to amend their procedures to describe in what circumstances close interval surveys are completed

N. §195.573 What must I do to monitor external corrosion control? (d) Breakout tanks. You must inspect each cathodic protection system used to control corrosion on the bottom of an aboveground breakout tank to ensure that operation and maintenance of the system are in accordance with API Recommended Practice 651. However, this inspection is not required if you note

in the corrosion control procedures established under Sec. 195.402(c)(3) why compliance with all or certain operation and maintenance provisions of API Recommended Practice 651 is not necessary for the safety of the tank.

Enbridge Energy procedures need to ensure that cathodic protection system maintenance and testing of breakout tanks is in conformance with API 651. Enbridge needs to amend their procedures to ensure that cathodic protection system maintenance and testing of breakout tanks is in conformance with API 651.

O. §195.573 What must I do to monitor external corrosion control? (e) Corrective action. You must correct any identified deficiency in corrosion control as required by Sec. 195.401(b). However, if the deficiency involves a pipeline in an integrity management program under Sec. 195.452, you must correct the deficiency as required by Sec. 195.452(h).

Enbridge Energy procedures did not describe the timing for correction of deficiencies found. Enbridge needs to amend their procedures to describe the timing for correction of deficiencies found.

P. §195.575 Which facilities must I electrically isolate and what inspections, tests, and safeguards are required?

Enbridge Energy procedures need detailed descriptions of electrical isolation installations, inspections, tests, safeguards and when they are required. Enbridge needs to amend their procedures to provide detailed descriptions of electrical isolation installations, inspections, tests, safe guards and when they are required.

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

Enbridge Energy procedures do not specify the retention time for atmospheric corrosion inspections. Enbridge needs to amend their procedures need to specify the retention time for atmospheric corrosion inspections.

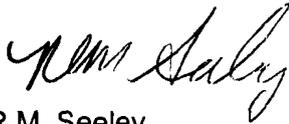
Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. 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). 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 a Final Order.

If, after opportunity for a hearing, 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. § 190.237). 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.

In correspondence concerning this matter, please refer to **CPF 4-2007-5006M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



R.M. Seeley
Director, Southwest Region
Pipeline and Hazardous
Materials Safety Administration

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