August 2, 2017

Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628

Attn: Mr. Robert Burrough
Acting Director, Eastern Region, PHMSA

Re: CPF 1-2017-5020W
Warning Letter
Enterprise Products Operating, LLC ("Enterprise")

Dear Mr. Burrough,

Enterprise is in receipt of the above referenced "Warning Letter" dated May 4, 2017. Enterprise shares PHMSA's commitment to pipeline safety and takes allegations of noncompliance with the pipeline safety rules seriously. Warning Letters are enforcement actions by PHMSA, which become part of an operator's record and prior enforcement history. For that reason, and although no response to a Warning Letter is required under PHMSA 49 C.F.R. Part 190 rules, Enterprise is providing this response to clarify the relevant facts and applicable law. Specifically, Enterprise requests that PHMSA withdraw several of the Warning Items because they are based on a misapplication of the facts and the law, as outlined below.

Warning Letter Item 1:

§195.402(a) 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.

Enterprise failed to follow its manual of written procedures for its emergency procedures, in accordance with § 195.403(a).

During the inspection of PHMSA unit 3051-Greensburg, in Greensburg, Pennsylvania; the PHMSA inspector reviewed Enterprise procedure – O&M manual – Section 905 – Emergency Procedures. The procedure states, "A review with personnel is conducted at least once each calendar year not to exceed 15 months, on their performance in meeting the objectives of the emergency response training program."
The PHMSA inspector asked for 2016 Greensburg technicians record reviews and Enterprise provided, “Greensburg OPS and Techs 2016 TF905.” The records showed a box was not checked indicating one employee had attended, received and understands the Emergency Response training on: “Carrying out the emergency procedures established under 195.402 that relate to their assignments.” The employee and supervisor both signed off on 2/23/16 certifying that, “…Each individual has successfully completed the above requirements.”

These requirements, however, were not met as not all information was filled out on the relevant record. Thus, Enterprise failed to follow its manual of written Emergency Procedures as required by §195.402(a).

**Enterprise Response to Warning Letter Item 1:**

Enterprise believes the concern noted was simply a misunderstanding of Enterprise’s requirements when completing the form and does not translate to a deficiency or violation of PHMSA rules or Enterprise procedures. The attached excerpt of O&M Procedure 905, Emergency Response Training, (O&M 905) states that the review is to be documented on Form 905A; it does not state that 905A must be completed in its entirety. Form 905A states that a signature is required, not that every box be checked. Enterprise met the intent of 195.402(a) by completing the training requirements per 195.403(a) in that the employee had acknowledged understanding of the training, which was confirmed by signing the form.

As such, Enterprise did not fail to follow our procedures, contests this finding, and requests that PHMSA withdraw this item from the Warning Letter.

**Warning Letter Item 2:**

§195.402(a) Procedural manual for operations, maintenance, and emergencies

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.

Enterprise failed to follow its manual of written procedures regarding its Safe Work Permits.

During the inspection of PHMSA inspection unit 3051-Greensburg, in Greensburg, Pennsylvania; Enterprise reviewed with the PHMSA inspector the procedure form, “Safe Work Permit” prior to conducting field operations during the field inspections. The form states, “Mandatory minimum PPE: Hard hat, FRC, safety glasses and safety-toed footwear.” These forms were signed and approved by Enterprise Safety Specialist, Operations Managers and technicians. During each portion of the field inspection,
several Enterprise personnel did not have adequate minimum PPE, per the Enterprise Safe Work Permit. Enterprise personnel did not have appropriate safety glasses during the field operations inspections.

The PHMSA inspector asked Enterprise about the mandatory minimum PPE requirements. Enterprise responded, "All Enterprise personnel have company approved, and ANSI Z87.1 standard safety glasses." Enterprise personnel safety glasses, however, did not show an ANSI Z87.1 label, nor were these glasses considered safety glasses. Subsequently, multiple Enterprise personnel replaced their existing glasses with new safety glasses. One Enterprise personnel continued to wear non-approved brand sunglasses while conducting field inspections. Thus, Enterprise personnel failed to meet the minimum requirements as stated on the Enterprise Safe Work Permit form.

**Enterprise Response to Warning Letter Item 2:**

Enterprise wishes to clarify that at no time during the inspection was our Safe Work Permit required; therefore, not relevant to this allegation. Enterprise Safety Policy Manual 3.9, Personal Protective Equipment (PPE), clarifies the minimum requirements during normal operations.

Regarding the statement "Enterprise personnel safety glasses, however, did not show an ANSI Z87.1 label, nor were these glasses considered safety glasses," during an interview of Enterprise personnel who were present during the inspection, it was reiterated that all Enterprise personnel wore safety glasses, including prescription safety glasses, conforming to ANSI Z87.1 standard as required by Section 3.9.4 of Enterprise Safety Policy Manual (SPM) Procedure 3.9, Personal Protective Equipment. This fact is supported by the ANSI label imprinted on each ANSI-approved eyewear as required by the ANSI standard.

Additionally, regarding the statement "multiple Enterprise personnel replaced their existing glasses with new safety glasses," the PHMSA inspector witnessed Enterprise personnel attaching side shields to ANSI-approved prescription safety glasses as well as wearing safety glasses to provide side shields over their ANSI approved prescription eye glass. It should be noted that side shields are not required during normal operations; and, that at the time of the inspection there was no work being performed that would have required side shields.

Regarding the statement "One Enterprise personnel continued to wear non-approved brand sunglasses while conducting field inspections," Enterprise does not approve or disapprove safety glasses based on brand so long as the safety glasses conform to SPM Procedure 3.9, Personal Protective Equipment, referenced above.

Finally, 49 C.F.R. Part 195.402(a) requires compliance with written procedures in a pipeline operator's Operations & Maintenance manual that is prepared to comply with the requirements of PHMSA Part 195 regulations. In contrast, Enterprise's Safety Policy Manual, Safety Work Permits, and PPE requirements cited in the Warning Letter are implemented to comply with worker safety requirements imposed by the federal Occupational Safety and Health Administration. Thus, this is not a violation of Part 195 or subject to PHMSA jurisdiction.
As such, Enterprise contests this finding and requests that PHMSA withdraw this item from the Warning Letter.

Warning Letter Item 3:

§195.402(a) 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.

Enterprise failed to follow its O&M Manual Section 905 procedures, Emergency Response Training. The emergency response records were inadequate as the records failed to follow Enterprise procedure, per the requirements of §195.402(a).

During the inspection of PHMSA inspection unit 2464-Lou Tex in Sorrento, Louisiana; the PHMSA inspector reviewed 2013 to 2015 emergency response training records.

Enterprise O&M Manual Section 905 – Emergency Procedures, dated 11/10/11 states (Procedure), “The review is documented on form 905A and 905B and retained by Local Area Operations...Each Pipeline Supervisor reviews the procedures they are responsible for under the company Emergency Response Plan(s). The appropriate Pipeline Supervisors, as well as, appropriate field personnel receive emergency response training applicable to their responsibilities.”

“DOT 195.403 Pipeline Emergency Response Training (Employee/Supervisor Signoff)” form, dated 5/21/15 was inadequate, as the record was not completed per Enterprise’s Procedure. The form did not include the following:

1. Employee Signature and date
2. Manager/Supervisor Signature and date

Therefore, Enterprise failed to follow its procedure per the requirements of §195.402(a).

Enterprise Response to Warning Letter Item 3:

Although Form 905A was not completed in its entirety, Enterprise presented records of attendance and the agenda of the training to the PHMSA inspector during the inspection. Those records substantiate that Enterprise personnel received the training and that the training met the requirements of 195.403.
Warning Letter Item 4:

§195.402(a) Procedural manual for operations, maintenance, and emergencies

(a) 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.

Enterprise’s failed to follow its Emergency Response Training procedures. Specifically, Enterprise failed to document its Pipeline Emergency Response Supervisor Training on the proper form, per §195.403(c).

During the inspection of PHMSA inspection unit 3051-Greensburg in Greensburg, Pennsylvania; the PHMSA inspector reviewed Emergency Procedures – Emergency Response Training Section 905, dated 04/10/15 (Procedure) and 2016 Pipeline Emergency Response Training Records Forms 905A and 905B (Records).

The Procedure states, “This review is documented on Form 905A and retained by Local Area Operations.” The PHMSA inspector requested emergency response training records for emergency responders and supervisors. Enterprise provided, emergency response personnel training records on Form 905A and supervisor training records on Form 905B. Form 905B however, is not incorporated in or mentioned on Enterprise’s Emergency Procedures.

The PHMSA inspector asked Enterprise which is the form should be used to document pipeline emergency response supervisor training. Enterprise responded, “Form 905A is the new form that is used and 905B has been removed from the procedure.”

Enterprise failed to follow procedures by documenting its supervisor training review on wrong form.

Enterprise Response to Warning Letter Item 4:

For purposes of recordkeeping and efficiency, Enterprise combined the information requested by Forms 905A and 905B, and retained the form number 905A. Enterprise believes that documenting a supervisor’s training using Form 905B is equivalent to utilizing the Form 905A since the supervisor portion of the Form 905A is the exact same information as provided in Form 905B.

As such, Enterprise contests this finding and requests that PHMSA withdraw this item from the Warning Letter.
Warning Letter Item 5:

§195.420(c) Valve Maintenance

(c) Each operator shall provide protection for each valve from unauthorized operation and from vandalism.

Enterprise failed to provide protection for each valve from unauthorized operation and from vandalism, as per § 195.420(c). At the time of the inspection of PHMSA inspection unit 3051- Greensburg in Greensburg, Pennsylvania; valves located at the following locations were not protected from vandalism:

1. Blairsville pump station, PA - “milepost 83.270 – Blairsville Station – A3 pipeline”
   Lat. 40.4333109677871, Long. -79.21497509822176

2. Blairsville pump station, PA - “milepost 83.290 – Blairsville Station – A3 pipeline”
   Lat. 40.4333109677871, Long. -79.21497509822176

   Lat. 40.78677627261801, Long. -79.00503549732174

Each valve was within an enclosed and locked fence, however, the fencing by each gate has a large space gap between the ground and the bottom of the fencing, which can easily allow access by unauthorized individuals. Thus, Enterprise failed to provide protection for each valve from vandalism as required per 195.420(c).

Warning Letter Item 6:

§195.436 Security of Facilities

Each operator shall provide protection for each pumping station and breakout tank area and other exposed facility (such as scraper traps) from vandalism and unauthorized entry.

Enterprise failed to provide protection for each pumping station and breakout tank area and other exposed facility (such as scraper traps) from vandalism and unauthorized entry, as per §195.436.

During the inspection of PHMSA unit 3051-Greensburg in Greensburg, Pennsylvania; the PHMSA inspector visited the pump station in Rochester Mills, PA (Milepost 48.511 – P40 pipeline Lat. 40.78677627261801, Long. -79.00503549732174). There were several locations within the facility that were not protected from vandalism and unauthorized entry. The fencing which enclosed the facility had large gaps between the ground and the bottom of the fencing in several locations which can allow access from unauthorized individuals and safety concerns. Thus, Enterprise failed to provide protection for each pumping station from vandalism and unauthorized entry, as required per 195.436.
Enterprise Response to Warning Letter Items 5 and 6:

Enterprise disputes the statement "...large gaps between the ground and the bottom of fence...can allow access from unauthorized individuals..." The referenced regulations regarding Valve Maintenance and Security of Facilities are not so specific to define the size of gaps allowed between the fence and ground. As demonstrated by the attached pictures, representative sample, the assertion is subjective and Enterprise does not agree that these gap(s) would allow unauthorized access.

As such, Enterprise does not believe that it failed to meet the requirement of the above referenced regulations, contests these findings, and requests that PHMSA withdraw these items from the Warning Letter.

Warning Letter Item 7:

§195.583 Monitoring Atmospheric Corrosion Control

(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

Enterprise failed to give particular attention to pipe at soil-to-air interfaces, as per §195.583(b).

During the inspection of PHMSA inspection unit 12232-AR1 in Little Rock, Arkansas; the PHMSA inspector observed approximately 40 feet of aboveground pipe that was partially covered by rock approximately 3 inches below ground, at the North Little Rock, Arkansas delivery station. The PHMSA inspector asked Enterprise how they conducted an atmospheric inspection of the underside of the pipe and flanges. The Enterprise CP technician stated, "Only the aboveground segments are inspected for atmospheric corrosion due to the pipe coating."

Enterprise failed to give particular attention to pipe at soil-to-air interfaces, per the requirement §195.583(b).

Enterprise Response to Warning Letter Item 7:

49 CFR 195.583(a) requires atmospheric corrosion inspection to be conducted on "each pipeline or portion of the pipeline that is exposed to the atmosphere for evidence of corrosion." Therefore, atmospheric corrosion inspection for this segment of pipe is only required to be conducted on the aboveground portion that is exposed to the atmosphere. The underside of the pipe and flanges that is belowground and not exposed to the atmosphere is not required to be inspected for atmospheric corrosion per 195.583(a) and consequently 195.583(b) does not apply.

As such, Enterprise contests this finding and requests that PHMSA withdraw this item from the Warning Letter.
Enterprise sincerely requests that PHMSA review the above items of dispute and welcomes the opportunity to discuss this response with PHMSA in greater detail if further clarification is required.

Sincerely,

[Signature]

Graham W. Bacon
Executive Vice President, Operations & Engineering

Attachments
- Safety Policies Manual, Procedure 3.9 Personal Protective Equipment (excerpt)
- O&M Procedure 905, Emergency Response Training
- O&M Form 905A, Pipeline Emergency Response Training - Employee/Supervisor Signoff
- O&M Form 905B, Pipeline Emergency Response Training - Supervisor/Manager Signoff
- (3) photos of security fencing