

## WARNING LETTER

### OVERNIGHT EXPRESS DELIVERY

March 4, 2019

Mr. William T. Yardley  
President of Gas Transmission & Midstream Operations  
Enbridge, Inc.  
5400 Westheimer Court  
Houston, TX 77056

**CPF 1-2019-1007W**

Dear Mr. Yardley:

From July 30, 2018 to August 2, 2018, an inspector from the Public Utilities Commission of Ohio (PUCO), acting as Agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected Texas Eastern Transmission, LP (Texas Eastern); Spectra TX Eastern North system in Ohio.

As a result of the inspection, it is alleged that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violation(s) are:

1. **§ 192.465 External corrosion control: Monitoring.**
  - (a) **Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of §192.463. However, if tests at those intervals are impractical for separately protected short sections of mains or transmission, not in excess of 100 feet (30 meters), or separately protected service line, these pipelines may be surveyed on a sampling basis. At least 10 percent of these protected structures, distributed over the entire system must be surveyed each calendar year, with a different 10 percent checked each subsequent year, so that the entire system is tested in each 10-year period.**

Texas Eastern failed to test each pipeline under cathodic protection at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection

meets the requirements of § 192.463. Specifically, 87 test point locations were tested at intervals exceeding 15 month.

During the inspection, the PUCO inspector reviewed Texas Eastern’s cathodic protection external corrosion control monitoring records from 2014 to 2017 (Cathodic Protection Records). Table 1 below, created by PHMSA based on the information Texas Eastern provided in Cathodic Protection Records, lists cathodic protection test points that exceeded the 15 month monitoring interval.

Table1: Test intervals exceeding 15 months

Location Description	Inspection Date	Inspection Date	TP # or MP
NE:UNI-BERN:BERNE STA	8/28/2015	12/21/2016	9 total: 107, 108, 109, 110, 11, 112, 113, 114, 115
C:EOH:BERN-HOLB:MR 73868	8/11/2015	12/19/2016	17 total: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
C:EOH:BERN-HOLB:MR 73870	8/11/2015	12/19/2016	16 total: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
C:EOH:BERN-HOLB:MR 73874	8/13/2015	12/21/2016	24 total: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
C:EOH:BERN-HOLB:MR 73875	8/13/2015	12/21/2016	21 total: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21

Therefore, Texas Eastern failed to test at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of § 192.463 at 87 test point locations.

**2. § 192.465 External corrosion control: Monitoring.**

**(b) Each reverse current switch, each diode, and each interference bond whose failure would jeopardize structure protection must be electrically check for proper performance six times each calendar year, but with intervals not exceeding 2 ½ months. Each other interference bond must be checked at lease once each calendar year, but with intervals not exceeding 15 months.**

Texas Eastern failed to electrically check for proper performance six times each calendar year, but with intervals not exceeding 2 ½ months, each interference bond whose failure would jeopardize structure protection. Specifically, one critical interference bond was checked at an interval exceeding 2 ½ months.

During the inspection, the PUCO inspector reviewed Texas Eastern’s critical interference bond

electrical check records from 2014 to 2018 (Critical Bond Record). The Critical Bond Record stated ROW Code: C”EOH”BERN-HOLB:15:VS-02 with inspection dates 12/16/2015 and 4/4/2016. This exceeded the 2 ½ month interval to electrically check critical interference bonds.

Therefore, Texas Eastern failed to electrically check for proper performance six times each calendar year, but with intervals not exceeding 2 ½ months each interference bond whose failure would jeopardize structure protection.

**3. § 192.465 External corrosion control: Monitoring.**

**(d) Each operator shall take prompt remedial action to correct any deficiencies indicated by the monitoring.**

Texas Eastern failed to take prompt remedial action to correct any deficiencies indicated by its external corrosion control monitoring. Specifically, Texas Eastern failed to take prompt remedial action at four test point locations after indications of deficiencies were discovered during its cathodic protection surveys.

During the inspection, the PUCO inspector reviewed Texas Eastern’s cathodic protection monitoring records from 2014 to 2017 (Cathodic Protection Records). Table 1 below, created by PHMSA based on the information Texas Eastern provided in Cathodic Protection Records, lists cathodic protection test points with Structure P/S below -0.85 Volts.

Table1: Test points below -0.85 Volts

TP# or MP	Location Description	Inspection Date	Structure P/S (Volts)
20	Riser @ BV-8	8-13-2015	-0.693
		12-21-2016	-0.844
22	Riser @ BV-5	8-13-2015	-0.576
		12-21-2016	-0.821
23	Riser @ BV-7	8-13-2015	-0.564
		12-21-2016	-0.797
24	8” Drain DR-3	8-13-2015	-0.622
		12-21-2016	-0.822

Therefore, Texas Eastern failed to take prompt remedial action to correct any deficiencies indicated by the monitoring.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$213,268 per violation per day the violation persists, up to a maximum of \$2,132,679 for a related series of violations. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022. For violations occurring prior to November 2, 2015, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$2,000,000 for a related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional

enforcement action or penalty assessment proceedings at this time. We advise you to correct the item(s) identified in this letter. Failure to do so will result in Texas Eastern Transmission, LP being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, 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).

No reply to this letter is required. If you choose to reply, please submit all correspondence in this matter to Robert Burrough, Director, PHMSA Eastern Region, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. Please refer to **CPF 1-2019-1007W** on each document you submit, and whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to [robert.burrough@dot.gov](mailto:robert.burrough@dot.gov). Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

Robert Burrough  
Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration