



Enbridge
5400 Westheimer Court
Houston, Texas 77056

May 23, 2019

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PVV

Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration
840 Bear Traven Road
Suite 300
West Trenton, NJ 08628

**RE: Texas Eastern Transmission, LP
Notice of Probable Violation
CPF 1-2019-1008**

Dear Mr. Burrough,

From July 30, 2018 to August 2, 2018, an inspector from the Public Utility Commission of Ohio (PUCO), acting as an Agent for the Pipeline and Hazardous Material Safety Administration (PHMSA), inspected Texas Eastern Transmission, LP's (TETLP), a subsidiary of Enbridge, facilities located in Ohio.

On March 25, 2019, PHMSA issued the above referenced Notice of Probable Violation¹ (NOPV) alleging one (1) probable violation of pipeline safety regulations. The following is a summary of PHMSA's finding and TETLP's response.

PHMSA Finding

1. § 192.947 What records must an operator keep?

Texas Eastern failed to maintain for the useful life of the pipeline its written baseline assessment plan and associated baseline assessment records for pipeline segments located in high consequence areas (HCAs) in Ohio.

During the inspection, the PUCO inspector requested baseline assessment records for PHMSA Inspection Unit 9423, which included 12.95 miles of pipeline segments within identified HCAs in Ohio. Texas Eastern informed PUCO that the baseline assessment plan was established at the time of the integrity management (IMP) rule, but Texas Eastern could not find initial baseline assessment records. The records not maintained included the initial baseline assessment plan schedule and initial assessment (pressure tests, in-line-inspections,

¹ TETLP requested a time extension on April 9, 2019 to enable TETLP to fully review the issue and prepare a comprehensive response to the NOPV. PHMSA granted the time extension on April 11, 2019.

direct assessments) results. Texas Eastern has since performed reassessments on 12.20 miles of these HCAs in accordance with §192.939, for which records were available.

Therefore, Texas Eastern failed to maintain for the useful life of the pipeline its written baseline assessment plan and associated baseline assessment records for 12.95 miles of pipeline segments located in HCAs within Ohio.

TETLP Response

TETLP has maintained appropriate records of its written Baseline Assessment Plan (BAP) and associated baseline assessment records for its pipelines in PHMSA Inspection Unit 9423, which includes all 12.95 miles² of covered segments in high consequence areas (HCAs) for the pipeline segments in Ohio that were discussed during the PUCO inspection. Therefore, TETLP contests this finding of probable violation.

The records relating to TETLP's BAP and baseline assessments that have been maintained include, but are not limited to:

1. A list of HCAs, which is updated each year. (The 2004 HCA list for the pipeline segments reviewed during the PUCO inspection is provided in Appendix 1.)
2. The original 2004 BAP and subsequent revisions. (The 2004 BAP Threat Assessment for the pipeline segments reviewed during the inspection is provided in Appendix 2. The 2004 BAP Assessment Schedule for these segments is provided in Appendix 3.)
3. The Integrity Management Plan (previously provided).
4. Threat Response Guidelines providing details regarding TETLP's approach to managing each of the nine (9) integrity threats described in ASME B31.8S. (Copies are available upon request.)
5. Standard Operating Procedures for work activities relating to the Integrity Management Program. (Copies are available upon request.)
6. Records of the evaluation of each baseline assessment completed. (Copies of Form 7T-281 – *Documentation of In-Line Inspection* are provided in Appendix 4)
7. Records of the evaluation to determine ILI reassessment intervals. (Copies of Form 7T-288 – *ILI Re-inspection Interval Determination* are provided in Appendix 5.)
8. Summary of assessments completed for each pipeline segment. (A revised version is provided in Appendix 6.)

² The mileage of HCAs for the pipeline segments discussed during the inspection is based on the 2018 HCA analysis.

9. In-Line Inspection Planning forms for each segment. (Copies for the segments reviewed during the inspection are provided in Appendix 7.)
10. Detailed records of baseline assessments performed, including in-line inspection (ILI) tool vendor reports and direct assessment reports, as applicable. (An example of the summary pages from an ILI tool vendor report is included in Appendix 8. The full report and copies of other ILI tool vendor reports are available upon request.)
11. Reports of pipe excavation, evaluation and repairs made. (An example of a pipe inspection report is provided in Appendix 9. Copies of other pipe inspection reports are available upon request.)

During the inspection, baseline assessments for seven (7) pipeline segments containing a total of 12.95 miles of HCAs were reviewed. The total mileage of HCAs for these segments was based on the 2018 HCA analysis. The baseline assessment was performed by In-Line Inspection (ILI) for all these pipeline segments between 2005 and 2008. During the inspection, TETLP provided the PUCO inspector a summary of assessments which included the years³ the baseline assessments and reassessments, if applicable, were performed by ILI.

The TETLP representatives that participated in the PUCO inspection made a good-faith effort to respond to the PUCO inspector's request for records, but TETLP recognizes the information provided did not fully address the PUCO inspector's request. TETLP believes the following issues led to the initial incomplete response:

1. Enbridge's⁴ Integrity Management Group, located in Enbridge's Houston, Texas Office (Headquarters), is responsible for managing and updating the BAP for TETLP's pipeline facilities, and thus also responsible for maintaining the associated records. TETLP contends that questions related to the BAP and related record requests should have been addressed during the Headquarters portion of the Integrated Inspection, since TETLP subject matter experts would have been available to address questions and provide records relating to TETLP's BAP. This Integrated Inspection did include two (2) weeks of procedures and records review at Enbridge's Headquarters in Houston, TX, which included process and records questions relating to TETLP's BAP. Records for TETLP's BAP similar to those requested by the PUCO inspector were produced to the inspectors during the Headquarters inspection.

³ The summary provided during the inspection included erroneous dates for ATHEN-BERN Lines 10 and 15. This summary indicated the baseline assessment for these pipeline segments was 2012. The actual baseline assessment year for these two (2) pipeline segments was 2005.

⁴ TETLP is an indirect, wholly-owned subsidiary of Enbridge Inc.

2. This alleged violation is based on a 2018 field inspection where records from 2004 were requested. Enbridge has changed records and data management systems since 2004 as part of its continual improvement efforts. As a result, the TETLP representatives had difficulty providing the records requested by the PUCO inspector at the time of the PUCO inspection. This illustrates the reason requests for these types of records should be made during the Headquarters portion of an Integrated Inspection.

In summary, TETLP recognizes the importance of retaining records of its BAP and associated baseline assessments for the life of the pipeline. TETLP has maintained these records, including records for the segments reviewed during the PUCO inspection. The records provided as appendices demonstrate these records have been maintained.

Given the facts stated above, TETLP contests this finding, and requests a withdrawal of the violation, Compliance Order and civil penalty. In the event PHMSA finds the information in this response is not sufficient to withdraw this violation, TETLP requests a Hearing to be scheduled for a mutually agreeable date and location. TETLP looks forward to PHMSA's response.

Please call me at (713) 627-6388 if you have any questions or concerns or to schedule a hearing.

Sincerely,



Rick Kivela
Manager, Operational Compliance

Enclosures:

- Appendix 1 – 2004 TETLP Published HCA Report
- Appendix 2 – 2004 Baseline Assessment Plan – Threat Assessment
- Appendix 3 – 2004 Baseline Assessment Plan – Assessment Schedule
- Appendix 4 – 7T-281 – *Documentation of In-Line Inspection*
- Appendix 5 – 7T-288 – *ILI Re-inspection Interval Determination*
- Appendix 6 – Summary of Baseline Assessments and Reassessments (revised version)
- Appendix 7 – Inline Inspection Planning Forms
- Appendix 8 – Example of ILI Tool Vendor Report
- Appendix 9 – Example of Pipe and Coating Inspection Report

cc (w/enclosures):

Peter Chace (Ohio PUCO)