



U.S. Department
of Transportation

**Pipeline and Hazardous Materials
Safety Administration**

901 Locust Street, Suite 462
Kansas City, Missouri 64106-2641

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 11, 2019

Mr. Bradley Shamla
Vice President, US Operations
Enbridge Inc.
Express Holdings (USA), LLC
7701 France Ave. S. Suite 600
Edina, MN 55435

CPF 3-2019-5005M

Dear Bradley Shamla:

Between November 14, 2016 and February 3, 2017, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code, inspected Express Holdings (USA), LLC's procedures for Operator Qualification.

On the basis of the inspection, PHMSA has identified the apparent inadequacy found within Express Holdings (USA) LLC's plans or procedures, as described below:

1. §195.505 Qualification Program.

Each operator shall have and follow a written qualification program. The program shall include provisions to: (a) Identify covered tasks.

The Express Holdings (USA), LLC OQ Program is inadequate because it did not include adequate provisions to identify covered tasks in accordance with the four-part definition in §195.501(b)(1) – (4). Specifically, it did not clarify how the provisions in 49 CFR§195.501(b)(1) – (4) were referenced or utilized to identify covered tasks.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under §190.211. 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 an Order Directing Amendment. If 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. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 45 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.

It is requested (not mandated) that Express Holdings (USA), LLC maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Allan C. Beshore, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 3-2019-5005M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



Allan C. Beshore
Director, Central Region
Pipeline and Hazardous Materials Safety Administration

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

Cc: David Stafford
Enbridge Inc.
Manager, US Pipeline Compliance
119 N. 25th Street East
Superior, WI 54880