

November 6, 2020

**VIA ELECTRONIC MAILTO: [bevin\\_wirzba@tcenergy.com](mailto:bevin_wirzba@tcenergy.com)**

Mr. Bevin Wirzba  
Executive Vice President and President, Liquids Pipelines  
TC Oil Pipeline Operations, Inc.  
450 1<sup>st</sup> Street, S.W.  
Calgary, Alberta, Canada, T2P 5H1

**Re: CPF No. 3-2020-5003**

Dear Mr. Wirzba:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation, assesses a civil penalty of \$170,300, and specifies actions that need to be taken to comply with the pipeline safety regulations. When the civil penalty has been paid and the terms of the compliance order are completed, as determined by the Director, Central Region, this enforcement action will be closed. Service of the Final Order by electronic mail is effective upon the date of transmission as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. Gregory Ochs, Director, Central Region, Office of Pipeline Safety, PHMSA  
Mr. Lee Romack, Director, Pipelines Regulatory Compliance, TC Energy Corporation,  
[lee\\_romack@tcenergy.com](mailto:lee_romack@tcenergy.com)  
Ms. Wendy West, Vice President, Safety, Quality & Compliance, TC Energy Corporation,  
[wendy\\_west@tcenergy.com](mailto:wendy_west@tcenergy.com)

**CONFIRMATION OF RECEIPT REQUESTED**

**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, D.C. 20590**

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**In the Matter of** )

**TC Oil Pipeline Operations, Inc.,** )  
**a subsidiary of TC Energy Corporation,** )

**Respondent.** )  
\_\_\_\_\_ )

**CPF No. 3-2020-5003**

**FINAL ORDER**

On March 11, 2020, pursuant to 49 C.F.R. §§ 190.207 and 190.341, the Director, Central Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to TC Oil Pipeline Operations, Inc. (Respondent). The Notice proposed finding that Respondent had violated Condition 40 of the April 30, 2007 special permit granted to TransCanada Keystone Pipeline, LP, and TC Oil Operations, Inc., (docket number PHMSA-2006-26617) and proposed a civil penalty of \$170,300. The Notice also proposed certain measures to correct the violation. Respondent did not contest the allegation of violation, corrective measures, or proposed civil penalty.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

Special Permit Condition 40 (**Item 1**) — Respondent failed to employ line-of-sight markers on the pipeline in the special permit area, except in agricultural areas or large water crossings such as lakes where line of sight markers are impractical.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent. In accordance with 49 C.F.R. § 190.223, I assess Respondent a total civil penalty of **\$170,300**.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require such payment to be made by wire transfer through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMK-325), Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 S MacArthur Blvd, Oklahoma City, Oklahoma 79169.

The Financial Operations Division telephone number is (405) 954-8845.

Failure to pay the \$170,300 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a district court of the United States.

### **COMPLIANCE ACTIONS**

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the actions proposed in the enclosed Notice to correct the violation. The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension. Upon completion of ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

November 6, 2020

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Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

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Date Issued