



VIA ELECTRONIC TRANSMISSION

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April 14, 2020

Mr. Allan C. Beshore
Director, Central Region, OPS
Pipeline and Hazardous Materials Safety Administration
901 Locust Street, Suite 462
Kansas City, MO 64106-2641

Re: CPF 3-2020-5006
North Dakota Pipeline Company & Bakken Pipeline Company

Dear Mr. Beshore:

From June 19 through 23, 2017, representatives of Pipeline and Hazardous Safety Administration (PHMSA) inspected North Dakota Pipeline Company and Bakken Pipeline Company hazardous liquid pipeline and breakout tank facilities in North Dakota.

In response to PHMSA's notice of probable violation and proposed civil penalty dated 3/19/2020, we appreciate the opportunity to comment and offer the following response.

PHMSA Finding:

1. *§195.264 Impoundment, protection against entry, normal/emergency venting or pressure/vacuum relief for aboveground breakout tanks.*
 - (a) *A means must be provided for containing hazardous liquids in the event of spillage or failure of an aboveground breakout tank.*
 - (b) *After October 2, 2000, compliance with paragraph (a) of this section requires the following for the aboveground breakout tanks specified:*
 - (1) *For tanks built to API Spec 12F, API Std 620, and others (such as API Std 650 (or its predecessor Standard 12C)), the installation of impoundment must be in accordance with the following sections of NFP A-30 (incorporated by reference, see § 195.3);*
 - (i) *Impoundment around a breakout tank must be installed in accordance with section 22.11.2; and ...*

NFPA-30

Chapter 22 Storage of Liquids in Tanks - Aboveground Storage Tanks

22.1 Scope. This chapter shall apply to the following:

- (1) *The storage of flammable and combustible liquids, as defined in 3.3.33 and Chapter 4, in fixed tanks that exceed 60 gal (230 L) capacity*

- (2) *....*

22.11 Control of Spills from Aboveground Storage Tanks. Every tank that contains a Class I, Class II, or Class IIIA liquid shall be provided with means to prevent an accidental release of

liquid from endangering important facilities and adjoining property or from reaching waterways. Such means shall meet the requirements of 22.11.1, 22.11.2, 22.11.3, or 22.11.4, whichever is applicable.

22.11.1 Remote Impounding. . .

22.11.2 Impounding Around Tanks by Open Diking. Where control of spills is provided by means of impounding by open diking around the tanks, such systems shall meet the requirements of 22.11.2.1 through 22.11.2.8.

22.11.2.1 ...

22.11.2. 7 .1 Control of drainage shall be accessible under fire conditions from outside the dike.

Enbridge failed to make the impoundment area for its aboveground breakout tanks constructed after October 2, 2000 compliant with §195.264(b)(1)(i) and incorporated by reference NFPA30. NFPA-30, paragraph 22.11.2.7.1 states that "control of drainage shall be accessible under fire conditions from outside the dike.". During PHMSA's inspection of the Alexander, Trenton, Grenora, and Little Muddy terminals, inspectors observed that the impoundment areas for the aboveground tanks did not meet the requirements of NFPA-30 as the impoundment area drain valve location was only accessible from inside the dike, and not outside the dike.

PHMSA made Enbridge aware of the probable violation during a verbal briefing on June 23, 2017, and from an email notification of findings on August 8, 2017. Enbridge responded to the inspection findings on November 7, 2017, to inform PHMSA that an authorization for expenditure (AFE) would be issued to install secondary valves. Enbridge responded on January 11, 2018, that valves would be added at the four locations noted above to "give access to drain the impoundment from outside the impoundment area per NFPA 30", and that the work would be completed "during the 2018 calendar year." On August 13, 2018, Enbridge sent photographic evidence via email of the completed work.

Enbridge Response:

Enbridge will not contest the findings and civil penalty associated with CPF-3-2020-5006. As noted above Enbridge agreed with the findings communicated during the June 23, 2017 exit briefing. The modifications at the noted locations to ensure that drainage would be accessible from outside the dike under fire conditions were completed and communicated to PHMSA on August 23, 2018. In addition, Enbridge closely inspected all impoundment areas associated with tankage in North Dakota to ensure compliance. Enbridge paid the civil penalty via wire transfer on April 15, 2020 according to PHMSA instructions.

Should you have any questions or require further information, please contact me.

Sincerely,



David Stafford,
Manager
US Pipeline Compliance