

**PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
WASHINGTON, D.C. 20590**

In the Matter of )  
 )  
Enbridge Energy, LP, ) CPF-3-2020-5009  
 ) Notice of Probable Violation  
 )  
Respondent. )

**Respondent’s Petition for Reconsideration of Final Order**

Enbridge Energy, LP (“Enbridge”), pursuant to 49 CFR § 190.243, petitions the Associate Administrator for Pipeline Safety for reconsideration of one limited finding in Item 1 of the Final Order in this proceeding, issued on August 9, 2021, as set forth herein.

**I. Background**

Safety is a fundamental value and the number one priority of Enbridge and compliance with the Pipeline and Hazardous Materials Safety Administration’s (“PHMSA”) standards and regulations is a foundational principle. Enbridge appreciates that it had an opportunity to submit evidence that documents its position demonstrating compliance with certain standards referenced in the Notice of Probable Violation (“NOPV”). Based on the evidence submitted, Enbridge also appreciates that PHMSA withdrew Item 2, amended various compliance deadlines, and made various other amendments as part of the Final Order.

Enbridge disagrees with PHMSA’s finding on Item 1, as Enbridge believes that despite any discoloration of the valve stem covers, Enbridge operated in compliance with Section 195.116 at all relevant times. Enbridge, however, is willing to accept the finding on Item 1, subject to one factual correction. Representatives of Enbridge and PHMSA discussed this correction prior to Enbridge’s filing of this Petition for Reconsideration.

**II. Correction of Item 1**

Item 1 asserts that Enbridge failed to maintain a means for clearly indicating the open/closed position of the valves because the valve stem covers became discolored in violation of Section 195.116. Enbridge submitted evidence in its response to the NOPV demonstrating that it operated in compliance with Section 195.116 at all relevant times. In the Final Order, PHMSA disagreed with Enbridge’s arguments, except for one of the referenced valves. After setting forth its position disagreeing with Enbridge’s arguments, PHMSA stated the following: “The Director also noted that PHMSA representatives observed Enbridge personnel removing valve stem covers during the day to observe the valve position because the smoky discoloration inhibited their view.” This statement was not mentioned or otherwise referenced in the NOPV. As a result, Enbridge did not address it in its response to the NOPV.

Enbridge personnel remove valve stem covers from time to time in the ordinary course of business and as part of its valve and actuator preventive maintenance procedure, set forth in its

O&MM Manual, numbered B6\_MP10032. In this case, Enbridge personnel did not remove the valve stem covers “to observe the valve position because the smoky discoloration inhibited their view.” The removal of the valve stem covers during the PHMSA inspection was part of normal operations and was not because of any discoloration.

Enbridge respectfully requests that this disputed sentence be removed from the Final Order. With this correction, Enbridge would accept the findings. Without this correction, Enbridge reserves the right to appeal and specifically reserves the right to pursue all legal and factual arguments that it operated in compliance with Section 195.116.

### **III. Request for Relief**

For the reasons set forth in this Petition for Reconsideration of Final Order, Enbridge respectfully requests that PHMSA issue an Amended Final Order removing the following sentence in Item 1 of the Final Order: “The Director also noted that PHMSA representatives observed Enbridge personnel removing valve stem covers during the day to observe the valve position because the smoky discoloration inhibited their view.”

Respectfully Submitted,

Enbridge Energy, LP

A handwritten signature in black ink, appearing to read 'D. Hunter', with a horizontal line extending to the right.

Darren J. Hunter  
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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. Rule 5, 49 CFR § 190.5, and 49 CFR § 190.243, I, Darren J. Hunter, an attorney, certify that I caused a copy of the foregoing **Petition for Reconsideration of Final Order** on behalf of Respondent, Enbridge Energy, LP, to be electronically filed with the Chief Counsel of the Pipeline and Hazardous Materials Safety Administration via email at phmsachiefcounsel@dot.gov on this 30<sup>th</sup> day of August, 2021.

/s/ Darren J. Hunter  
Darren J. Hunter