

May 12, 2022

***Sent Via Electronic Transmission***

Mr. Gregory A. Ochs  
Director, Central Region, Office of Pipeline Safety  
Pipeline and Hazardous Materials Safety Administration  
901 Locust Street, Suite 480  
Kansas City, MO 64106

**Re: CPF 3-2022-022-NOPV**

Dear Mr. Ochs,

From March 16 through October 6, 2020, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) inspected Enbridge Energy, Limited Partnership's (Enbridge) North Dakota, Southern Lights, and Express pipeline system assets and records in North Dakota, Wisconsin, Minnesota, Montana, and Wyoming.

On April 12, 2022, PHMSA issued the above-referenced Notice of Probable Violation and Proposed Civil Penalty (NOPV). PHMSA did not issue a Proposed Compliance Order. Enbridge accepts the findings and does not contest the violations, but respectfully requests a modest reduction of the proposed penalty. Enbridge's response is outlined below.

**PHMSA Finding:**

1. **§ 195.406 Maximum operating pressure.**
  - (a) . . . .
  - (b) **No operator may permit the pressure in a pipeline during surges or other variations from normal operations to exceed 110 percent of the operating pressure established under paragraph (a) of this section. Each operator must provide adequate controls and protective equipment to control the pressure within this limit.**

Enbridge failed to limit the pressure in a pipeline during surges or other variations from normal operations such that it would not exceed 110 percent of operating pressure. On Friday, September 21, 2018, the line blockage protection for Line 81 failed to activate, resulting in a line pressure of 114.01 percent of operating pressure.

**Enbridge Response:**

Following this event, Enbridge conducted a thorough investigation to identify the root causes and determine what corrective actions would minimize the possibility of

recurrence. Based on the results of the investigation, the following corrective actions were implemented:

1. Operating procedures were reviewed with control room staff and specific items that contributed to the event were reinforced. Examples include effective communication with field staff and clear communication at shift change to ensure valve communication issues were not overlooked.
2. Modifications to the logic in North Dakota Region Programmable Logic Controllers were made, which eliminate the possibility of this incident being repeated.
3. Accountabilities within the Pipeline Control Systems group and expectations around communications with local site operations and CCO prior to performing work were formalized and communicated.

**PHMSA Finding:**

**2. § 195.505 Qualification Program.**

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

**(b) Ensure through evaluation that individuals performing covered tasks are qualified;**

Enbridge did not ensure that the individual performing OQ Task 83 Overfill protection device inspection was qualified to perform the task. At the time of the operator's inspection in July of 2019, the individual who performed the overfill protection device inspections on tanks 9800, 9801, 9802, 9803, 9804, and 9805 in Berthold was not qualified to perform this task per the records.

**Enbridge Response:**

Enbridge has taken two actions to reduce the likelihood of a recurrence of non-qualified individuals performing covered tasks:

1. A communication campaign was completed to enhance the knowledge of frontline workers and supervisors on the Enbridge LP Operator Qualification plan, with a specific emphasis placed on the importance of compliance with the requirements stipulated therein.
2. Enbridge established a link between the OQ record system (TRAC Learning Management System) and the job planning and assignment system (MAXIMO); with functionality such that the qualification requirements for specific job plans are defined and documented, and only workers that have the required qualifications can be assigned to perform those job plans. This system has the added benefit of creating a record at the time of work performance linking the job plan, the required OQs, and the qualified person performing the work.

Enbridge recognizes that PHMSA considered the factors set forth in 49 CFR § 190.225 in proposing a civil penalty of \$22,400 for Item 1 and \$22,400 for Item 2, totaling \$44,800. In this case, Enbridge respectfully believes that the allowable assessment considerations support a

modest reduction in the penalty for each Item, including Enbridge's good faith throughout the entire inspection process, promptness in coming into compliance, and additional corrective actions taken above minimum compliance, outlined herein (i.e., improved communications, system enhancements, etc.), to reduce the likelihood of a recurrence. Enbridge certainly did not derive an economic benefit for any non-compliance and the Company's culpability was low. Enbridge respectfully suggests a reasonable reduction in the penalty in the amount of \$3,400 for each Item, with a penalty of \$19,000 for each Item, totaling \$38,000.

Should you have any questions or require further information, or if you would like to set up a virtual meeting, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Stafford", written over a horizontal line.

David Stafford  
Manager, US Pipeline Compliance