



U.S. Department  
of Transportation

8701 S. Gessner, Suite 1110  
Houston, TX 77074

Pipeline and  
Hazardous Materials  
Safety Administration

**NOTICE OF PROBABLE VIOLATION  
and  
PROPOSED COMPLIANCE ORDER**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

April 8, 2014

Mr. Graham Bacon  
Group Senior Vice President  
Enterprise Products Operating, LLC  
P. O. Box 4324  
Houston, TX 77210-4324

**CPF 4-2014-5006**

Dear Mr. Bacon:

On May 31, 2013, Enterprise Products Operating, LLC (Enterprise) experienced a failure of a weld which resulted in an accident on Enterprise's 12-inch Brown Line, Skellytown to Conway segment near Beaver, OK. Representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, performed an inspection of the welding procedures used in the activities which resulted in this accident.

As a result of the inspection, it appears that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violation is:

**1. §195.214 Welding procedures.**

**(a) Welding must be performed by a qualified welder in accordance with welding procedures qualified under Section 5 of API 1104 or Section IX of the ASME Boiler and Pressure Vessel Code (incorporated by reference, see §195.3).**

In performing the welding associated with the accident of May 31, 2013, Enterprise failed to use a welding procedure qualified under Section 5 of API Std 1104 or Section IX of the ASME Boiler and Pressure Vessel Code.

The welding procedure used by Enterprise had been modified, and in making those changes, essential variables were changed and the procedure was not subsequently requalified. Further,

the procedure lacked adequate detail when specifying the welding consumables. The welding procedure did not specify the proper alloy designator which ultimately allowed an incorrect weld filler material to be used in the weld that failed on May 31, 2013.

Proposed Compliance Order

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a related series of violations.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to propose a civil penalty assessment at this time.

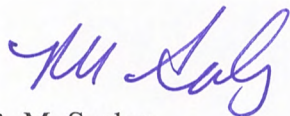
With respect to item 1 pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Enterprise. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Response to this Notice

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). 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 a Final Order.

In your correspondence on this matter, please refer to **CPF 4-2014-5006** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



R. M. Seeley  
Director, Southwest Region  
Pipeline and Hazardous Materials Safety Administration

Enclosures: *Proposed Compliance Order*  
*Response Options for Pipeline Operators in Compliance Proceedings*

## **PROPOSED COMPLIANCE ORDER**

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Enterprise a Compliance Order incorporating the following remedial requirements to ensure the compliance of Enterprise with the pipeline safety regulations:

1. In regard to Item Number 1 of the Notice pertaining to the qualification of in-service welding procedures, Enterprise shall provide a copy of its revised operating procedures for in-service welding, including each of the specifications, and the subsequent procedure qualification records for PHMSA's review.
2. Items 1 shall be submitted to PHMSA no later than 30 days from issuance of the Final Order in this case.
3. It is requested (not mandated) that Enterprise maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to R. M. Seeley, Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.