

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 13, 2019

Gary Buchler
Vice President, Operations and Engineering
Tennessee Gas Pipeline Company
1001 Louisiana Street
Houston, Texas 77002

CPF 4-2019-1007

Dear Mr. Buchler:

From April 2, 2018 to September 21, 2018, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected your pipeline and pipeline facilities from Natchitoches, Louisiana to Edinburg, Texas.

As a result of the inspection, it is alleged that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violations are:

1. **§192.905 How does an operator identify a high consequence area?**

(b) (1) Identified sites. An operator must identify an identified site, for purposes of this subpart, from information the operator has obtained from routine operation and maintenance activities and from public officials with safety or emergency response or planning responsibilities who indicate to the operator that they know of locations that meet the identified site criteria. These public officials could include officials on a local emergency planning commission or relevant Native American tribal officials.

Tennessee Gas Pipeline (TGP) failed to properly identify an identified site as required by 192.905(b)(1). During the field inspection, PHMSA inspectors identified a playground adjacent to the Sullivan City-Texas Garden pipeline (407D-500 to 407D-501) right-of-way and within its potential impact radius (PIR).

The playground located at Corina Peña Elementary School in Penitas, Texas was not listed by TGP as an identified site.

Based on information provided by TGP personnel on the PIR, and the assistant principal at Corina Peña Elementary School, it was determined that the playground could be occupied by more than 20 students at a time for more than 50 days per year requiring designation as an identified site.

2. **§192.479 Atmospheric corrosion control: General**

- (a) Each operator must clean and coat each pipeline or portion of pipeline that is exposed to the atmosphere, except pipelines under paragraph (c) of this section.**
- (b) Coating material must be suitable for the prevention of atmospheric corrosion.**
- (c) Except portions of pipelines in offshore splash zones or soil-to-air interfaces, the operator need not protect from atmospheric corrosion any pipeline for which the operator demonstrates by test, investigation, or experience appropriate to the environment of the pipeline that corrosion will—**
 - (1) Only be light surface oxide; or**
 - (2) Not affect the safe operation of the pipeline before the next scheduled inspection.**

TGP failed to clean and coat portions of their pipeline exposed to the atmosphere at the Victoria compressor station. During the field inspection, PHMSA inspectors observed several portions of the compressor suction piping with deteriorating coating conditions where the coating was cracking, peeling and disbonding.

Shortly after the inspection, TGP provided evidence indicating that the compressor station suction piping had been cleaned and recoated to satisfactory condition. However, TGP procedure, atmospheric corrosion inspection guidelines CorrPD-006, did not require re-coating when the coating were cracked, peeled, or dis-bonded. TGP procedures in the

"fair" and "poor" category did not have a clear and definitive thresholds to determine grading of pipeline coating condition as required by §192.479.

Proposed Compliance Order

With respect to items 1 and 2 pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to TGP. 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. All material you submit in response to this enforcement action may be 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).

Following the receipt of this Notice, you have 30 days to submit written comments, or request a hearing under 49 CFR § 190.211. 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. If you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from receipt of this Notice. This period may be extended by written request for good cause.

In your correspondence on this matter, please refer to **CPF 4-2019-1007** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Mary L. McDaniel, P.E.
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 TGP a Compliance Order incorporating the following remedial requirements to ensure the compliance of TGP with the pipeline safety regulations:

1. In regard to Item Number 1 of the Notice pertaining to TGP failure to identify a playground at Corina Peña Elementary School in Penitas, Texas as an identified site. TGP must include Corina Peña Elementary School as an identified site. TGP must add this HCA site to their assessment schedule as required by §192.921(f).
2. In regard to Item Number 2 of the Notice pertaining to failure to clean and coat portion of pipeline that is exposed to the atmosphere. TGP must review and amend their corrosion procedures, atmospheric corrosion inspection guidelines CorrPD-006, in the "fair" and "poor" categories to provide a more clear and definitive threshold to determine the grading of pipeline coating conditions. Additionally, TGP must ensure personnel utilizing the updated procedure have been trained to the upgraded procedure.
3. Provide PHMSA Southwest Region with documentation that verifies completion of Items Number 1 and 2 within 90 days following the receipt of Final Order.
4. It is requested (not mandated) that TGP maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Mary L. McDaniel, 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.