



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

VIA EMAIL TO: aebarry@dcpmidstream.com and blbackes@dcpmidstream.com

Mr. Wouter van Kempen
Chairman and Chief Executive Officer
DCP Midstream, LP
370 17th Street, Suite 2500
Denver, Colorado 80202

Re: CPF No. 4-2019-2003

Dear Mr. van Kempen:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and finds that the proposed actions to comply with the pipeline safety regulations have been completed. This case is now closed. Service of the Final Order by e-mail is effective upon the date of mailing as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Ms. Mary McDaniel, Director, Southwestern Region, Office of Pipeline Safety, PHMSA
Ms. Alison Barry, Assistant General Counsel, DCP Midstream, LP
Mr. Brent Backes, Group Vice President and General Counsel, DCP Midstream, LP

VIA EMAIL – CONFIRMATION OF RECEIPT REQUESTED

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

_____)	
In the Matter of)	
)	
DCP Midstream, LP,)	CPF No. 4-2019-2003
)	
Respondent.)	
_____)	

FINAL ORDER

On December 12, 2019, pursuant to 49 C.F.R. § 190.207, the Director, Southwest Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to DCP Midstream, LP (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 192 and proposed certain measures to correct the violation. Respondent did not contest the allegation of violation or corrective measures.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulation listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 192.615(b)(2) (**Item 1**) — Respondent failed to conduct an emergency response training for its Opelousas Area personnel for calendar year 2018 in accordance with the interval established in Respondent’s Standard Operating Procedure 5-2010.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

The Director has indicated that Respondent completed the actions proposed in the Notice to correct the violations. Therefore, it is not necessary to include the proposed compliance terms in this Final Order.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 S. Gessner, Suite 630
Houston, TX 77074

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 12, 2019

William Bradley, Jr.
VP/GM East Gulf Coast Operation
DCP Midstream
370 17th Street, Suite 2500
Denver, Colorado 80202

CPF 4-2019-2003

Dear Mr. Bradley, Jr:

From May 14, 2019 through June 13, 2019, a representative 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 DCP Midstream's (DCP) - Dauphin Island Gathering Partnership pipeline system in the Gulf of Mexico and Mobile, Alabama.

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

1. **§192.615 Emergency plans.**

(b) Each operator shall:

(2) Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

Enbridge failed to conduct an emergency response training for its Opelousas Area personnel for calendar year 2018. Enbridge failed to conduct the emergency response training established in their written Standard Operating Procedure (SOP) 5-2010 within the required interval.

Enbridge SOP 5-2010, Section 7.2, revision date 01/05/2019 states, "An Emergency Response Plan training session with area personnel shall be conducted once each calendar year, but not to exceed fifteen (15) months. Area personnel are responsible to review the Area Emergency Response Plan. The review is to be documented on Form #7T-9."

Enbridge could not verify that an emergency response plan training session for Opelousas Area personnel for calendar year 2018 was conducted. During the inspection, the PHMSA inspector reviewed Form #7T-9 and found that emergency response training was performed on December 1, 2016, December 3, 2016, and December 7, 2017.

Enbridge stated that during the calendar year 2018, the offshore area did not receive the SAP Work Order and missed the area emergency plan response training due to merger and area boundary change.

Proposed Compliance Order

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022. For violations occurring prior to November 2, 2015, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$2,000,000 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 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to DCP Midstream. 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 Enforcement 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 4-2019-2003** 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 Enforcement Proceedings

PROPOSED COMPLIANCE ORDER

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

1. In regard to Item Number 1 of the Notice pertaining to DCP's failure to conduct an Emergency Response Plan training session with area personnel once each calendar year, but not to exceed fifteen (15) month. DCP must conduct an Emergency Response Plan training for Opelousas area as required by § 192.615(b)(2).
2. DCP must complete Item Number 1 within 30 days following the receipt of Final Order
3. It is requested (not mandated) that DCP Midstream maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Mary 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.