

July 27, 2020

VIA ELECTRONIC MAIL TO: barry.davis@enlink.com

Mr. Barry E. Davis
Chairman and Chief Executive Officer
EnLink Midstream, LLC
1722 Routh Street, Suite 1300
Dallas, Texas 75201

Re: CPF No. 4-2020-5006

Dear Mr. Davis:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and specifies actions that need to be taken by EnLink Midstream, LLC, to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Southwest Region, this enforcement action will be closed. Service of the Final Order by electronic mail is effective upon the date of transmission 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

Enclosure

cc: Ms. Mary L. McDaniel, Director, Southwest Region, Office of Pipeline Safety, PHMSA
Mr. Michael LeBlanc, Senior Vice President, Operations, EnLink Midstream, LLC,
michael.leblanc@enlink.com
Mr. Cordell Theriot, Senior DOT Compliance Specialist, EnLink Midstream, LLC,
cordell.theriot@enlink.com

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)	
)	
EnLink Midstream, LLC,)	CPF No. 4-2020-5006
)	
Respondent.)	
)	

FINAL ORDER

From February through July 2019, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of EnLink Midstream, LLC (EnLink or Respondent) in Lafayette, Louisiana and Dallas, Texas. EnLink operates approximately 11,000 miles of gathering and transportation pipelines, 20 processing plants with 4.8 billion cubic feet of net processing capacity, and seven fractionators with 260,000 barrels per day of net fractionation capacity.¹

As a result of the inspection, the Director, Southwest Region, OPS (Director), issued to Respondent, by letter dated February 18, 2020, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that EnLink had violated 49 C.F.R. § 195.452 and proposed ordering Respondent to take certain measures to correct the alleged violation.

EnLink responded to the Notice by letter dated March 16, 2020 (Response). The company contested the allegation and offered additional information in response to the Notice. Respondent did not request a hearing and therefore has waived its right to one.

FINDING OF VIOLATION

The Notice alleged that Respondent violated 49 C.F.R. Part 195, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 195.452(f)(6), which states:

§ 195.452 Pipeline integrity management in high consequence areas.

(a) ...

(f) *What are the elements of an integrity management program? An*

¹ Enlink Midstream, LLC website, *available at* <https://www.enlink.com/customer-center/> (last accessed July 15, 2020).

integrity management program begins with the initial framework. An operator must continually change the program to reflect operating experience, conclusions drawn from results of the integrity assessments, and other maintenance and surveillance data, and evaluation of consequences of a failure on the high consequence area. An operator must include, at minimum, each of the following elements in its written integrity management program: . . .

(6) Identification of preventive and mitigative measures to protect the high consequence area (see paragraph (i) of this section); . . .

(i) *What preventive and mitigative measures must an operator take to protect the high consequence area? . . .*

(4) *Emergency Flow Restricting Devices (EFRD)*. If an operator determines that an EFRD is needed on a pipeline segment to protect a high consequence area in the event of a hazardous liquid pipeline release, an operator must install the EFRD. In making this determination, an operator must, at least, consider the following factors—the swiftness of leak detection and pipeline shutdown capabilities, the type of commodity carried, the rate of potential leakage, the volume that can be released, topography or pipeline profile, the potential for ignition, proximity to power sources, location of nearest response personnel, specific terrain between the pipeline segment and the high consequence area, and benefits expected by reducing the spill size.

The Notice alleged that Respondent violated 49 C.F.R. § 195.452(f)(6) by failing to identify preventive and mitigative (P&M) measures to protect a high consequence area (HCA) in its integrity management program (IMP). Specifically, the Notice alleged that EnLink failed to properly determine if Emergency Flow Restricting Devices (EFRDs) were needed on its Cajun Sibon NGL Pipeline System to protect HCAs. The Notice alleged EnLink did not consider the following factors in determining whether EFRDs were needed: the swiftness of leak detection and pipeline shutdown capabilities; the type of commodity carried; the rate of potential leakage; the volume that can be released; topography or pipeline profile; the potential for ignition; proximity to power sources; location of nearest response personnel; the specific terrain between the pipeline segment and the HCA; and benefits expected by reducing the spill size, as required by § 195.452(i)(4).

In its Response, EnLink argues that its IMP has triggering events for EFRD evaluations, which include “follow-up to P&M evaluation or other event that in judgment of the IMP Team Chairman require additional EFRD analysis.”² EnLink argues its risk model has built-in attributes that consider all the factors required by § 195.452(i)(4) and that it complied with the regulations by reviewing the results produced by the risk model and its P&M analysis and concluding the results did not warrant “additional EFRD analysis.”³ EnLink stated that its P&M process “includes analyzing the threats and prompts to determine whether an EFRD analysis is a

² Response, at 2.

³ *Id.*, at 2.

recommended P&M.”⁴ EnLink provided several documents to support its Response.

After considering all of the evidence, I find that that Respondent violated 49 C.F.R. § 195.452(f)(6) by failing to identify P&M measures to protect a HCA in its IMP. Specifically, EnLink did not properly determine if EFRDs were needed on its Cajun Sibon NGL Pipeline System to protect HCAs. Section 7.11 of EnLink’s IMP titled, “EFRD Need Evaluation Factors,” states:

Outputs from both the HCA and risk analysis and other factors as described in 49 CFR § 195.452(i)(4) are reviewed by EnLink to determine the feasibility of risk reductions by the relocation or addition of emergency flow restriction devices (EFRDs). ENLINK LIMP Form 108, EFRD Evaluation, provides a more detailed discussion of the EFRD evaluation process.

EnLink’s IMP shows that the company has an “EFRD evaluation process” in place, however, EnLink has not produced documentation, including a completed “EFRD Evaluation, LIMP Form 108,” showing the specialized EFRD evaluation was conducted for the Cajun Sibon NGL Pipeline System. While EnLink may have reviewed many factors listed in § 195.452(i)(4) as part of its risk analysis, EnLink did not produce evidence that it conducted an evaluation focused on the need for EFRDs, nor did the company show it evaluated “the feasibility of risk reductions by the relocation or addition of emergency flow restriction devices” to protect HCAs as required by its own IMP. Further, EnLink stated in its Response that it only conducts EFRD analyses when it determines that EFRDs are a recommended P&M measure.⁵ EnLink acknowledged that it determined the lines “were most affected by” third-party threats, so it did not conduct an EFRD evaluation.⁶ Section 195.452(i)(4), however, requires operators to conduct an evaluation to determine whether EFRDs are needed to protect HCAs regardless of what the operator determines to be a top threat to the line.

EnLink provided supplemental exhibits with its Response including graphs of liquid volume release, a risk table for IP-1000 System, a P&M Evaluation Form (LIMP Form 106), and other apparent outputs from its risk model, however, none of these forms show an analysis specific to EFRDs completed in accordance with the regulations or EnLink’s “EFRD evaluation process.” Accordingly, after considering all of the evidence, I find Respondent violated 49 C.F.R. § 195.452(f)(6) by failing to identify P&M measures to protect a HCA in its IMP.

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

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Item 1 in the Notice for a violation of

⁴ *Id.*, at 4.

⁵ *Id.*

⁶ *Id.*, at 4-5.

49 C.F.R. §195.452(f)(6). Under 49 U.S.C. § 60118(a), each person who engages in the transportation of hazardous liquids or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601.

With regard to the violation of § 195.452(f)(6) (Item 1), Respondent argued the compliance terms should be withdrawn because the company has “already performed sufficient analysis of relevant information and the factors listed in § 195.452(i)(4).” I disagree. As explained above, EnLink has failed to provide evidence that it performed an evaluation specific to the need for and use of EFRDs in accordance with § 195.452(f)(6) and the processes mandated by its own IMP.

For the above reasons, the Compliance Order is not withdrawn as set forth below.

Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

1. With respect to the violation of § 195.452(f)(6) (**Item 1**), Respondent must perform an EFRD study. The study must consider the factors listed in § 195.452(i)(4) to protect current HCAs to enhance public safety.
2. EnLink must complete Item 1 and submit documentation to the Director within 90 days after receipt of the Final Order.

The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension.

It is requested (not mandated) that Respondent maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to the Director. 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.

Failure to comply with this Order may result in the administrative assessment of civil penalties not to exceed \$200,000, as adjusted for inflation (49 C.F.R. § 190.223), for each violation for each day the violation continues or in referral to the Attorney General for appropriate relief in a district court of the United States.

Under 49 C.F.R. § 190.243, Respondent may submit a Petition for Reconsideration of this Final Order to the Associate Administrator, Office of Pipeline Safety, PHMSA, 1200 New Jersey Avenue, SE, East Building, 2nd Floor, Washington, DC 20590, with a copy sent to the Office of Chief Counsel, PHMSA, at the same address, no later than 20 days after receipt of service of this Final Order by Respondent. Any petition submitted must contain a statement of the issue(s) and meet all other requirements of 49 C.F.R. § 190.243. The terms of the order, including corrective action, remain in effect unless the Associate Administrator, upon request, grants a stay.

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

July 27, 2020

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued