

NOTICE OF AMENDMENT

OVERNIGHT EXPRESS DELIVERY

February 2, 2023

Mr. Trevor Hastings
President and Chief Executive Officer
WBI Energy Transmission, Inc.
1250 W Century Ave.
Bismark, North Dakota 58503

CPF 1-2023-006-NOA

Dear Mr. Hastings:

From August 16, 2022, through August 18, 2022, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected WBI Energy Transmission, Inc.'s (WBI) procedures for its Elk Basin Storage Field in Park County, Wyoming.

On the basis of the inspection, PHMSA has identified the apparent inadequacy found within WBI's plans or procedures, as described below:

1. **49 C.F.R. § 192.12 Underground natural gas storage facilities.**
 - (a) ...
 - (d) *Integrity management program* -
 - (1) ...
 - (4) *Integrity management procedures and recordkeeping.* Each UNGSF operator must establish and follow written procedures to carry out its integrity management program under API RP 1171 (incorporated by reference, see § 192.7), section 8 ("Risk Management for Gas Storage Operations"), and this paragraph (d). The operator must also maintain, for the useful life of the UNGSF, records that demonstrate compliance with the requirements of this paragraph (d). This includes records developed and used in support of any identification, calculation, amendment, modification, justification,

deviation, and determination made, and any action taken to implement and evaluate any integrity management program element.

WBI's written procedures for carrying out its integrity management program were inadequate to ensure safe operation of a pipeline facility. Specifically, WBI's Underground Natural Gas Storage (UNGS) Risk Management Plan for Storage Operations (RMP), Section 2.20, Data Collection, did not include a process to assess threat and hazard interactions in accordance with API RP 1171, Section 8.3.2 (Section 8.3.2).

Section 8.3.2 states, in part:

The operator shall use available information such as performance data collected through the field history, operations, and maintenance (O&M) activities, geotechnical data such as well logs, engineering data, and completion reports to determine susceptibility to threat and hazard-related events and to assess threat and hazard interaction.

During the inspection, PHMSA reviewed WBI's RMP and found that Section 2.20 did not include a process to assess interactions of threats and hazards specific to its UNGS facilities.

Therefore, WBI's written procedures required by § 192.12(d)(4) were inadequate. WBI must revise its procedure to address the deficiency outlined above.

Response to this Notice\

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. 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. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under § 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 an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that WBI maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Robert Burrough, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. In correspondence concerning this matter, please refer to **CPF 1-2023-006-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible. Smaller files may be emailed to robert.burrough@dot.gov. Larger files should be sent on USB flash drive accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: Response Options for Pipeline Operators in Enforcement Proceedings