

NOTICE OF AMENDMENT

OVERNIGHT EXPRESS DELIVERY

November 9, 2023

Ms. Tina Faraca
Executive Vice-President & President, U.S. Natural Gas Pipelines
North Baja Pipeline, LLC., a subsidiary of TC Energy Corporation
700 Louisiana Street
Houston, Texas 77002

CPF 1-2023-060-NOA

Dear Ms. Faraca:

From March 14, 2023 to March 16, 2023, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected North Baja Pipeline, LLC's (North Baja) procedures for construction in Charleston, WV during the on-site combined TC Energy construction inspection kick-off meeting,

As a result of the inspection, PHMSA has identified the apparent inadequacy found within North Baja's plans or procedures. The item inspected and the inadequacy is described below:

1. § 192.303 Compliance with specifications or standards.

Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

North Baja's written specifications or standards required by §§ 192.303 and 192.167(a)(4)¹ are inadequate to assure pipeline safety. Specifically, the North Baja's procedure *TEN-PE-FCSTD-G*

¹ § 192.167 Compressor stations: Emergency shutdown.

(a) Except for unattended field compressor stations of 1,000 horsepower (746 kilowatts) or less, each compressor station must have an emergency shutdown system that meets the following:

(1) ...

(4) It must be operable from at least two locations, each of which is:

(i) Outside the gas area of the station;

(ii) Near the exit gates, if the station is fenced, or near emergency exits, if not fenced; and

(iii) Not more than 500 feet (153 meters) from the limits of the station.

Compressor Station Facility Design (US), Item ID: 1020406812, Rev.: 00, Approval Date: 2022-Jan-18 (TC Energy Compressor Station Design Specifications or Specifications), did not specify the requirements for locating the compressor station emergency shutdown system that is operable from at least two locations, as required by § 192.167(a)(4).

During the inspection, PHMSA requested written specifications requiring that compressor station emergency shutdown systems meet the requirements of § 192.167. North Baja presented TC Energy Compressor Station Design Specifications; however, the Specifications did not detail the requirements of § 192.167(a)(4).

Therefore, North Baja's written specifications or standards required by §§ 192.303 and 192.167(a)(4) are inadequate to assure pipeline safety.

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 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).

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 North Baja Pipeline, LLC 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. In correspondence concerning this matter, please refer to **CPF 1-2023-060-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

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

Enclosure: Response Options for Pipeline Operators in Enforcement Proceedings