

WARNING LETTER

VIA ELECTRONIC MAIL TO: tina_faraca@tcenergy.com

March 1, 2024

Ms. Tina Faraca
Executive Vice-President & President, U.S. Natural Gas Pipelines
ANR Pipeline Co
700 Louisiana Street
Houston, Texas 77002

CPF 1-2024-020-WL

Dear Ms. Faraca:

From June 13, 2023 through July 14, 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 ANR Pipeline Co's (ANR) procedures and records for its public awareness program in Tinley, Illinois.

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. § 192.616 Public awareness.

(a) ...

(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

ANR failed to follow the general program recommendations of API RP 1162. Specifically, ANR failed to identify Corby Energy Services (CES) as a stakeholder recipient of their Public Awareness mailing distribution program and provide baseline messaging at the required frequency in accordance with API RP 1162, Section 3 and Table 2-1.

API RP 1162, Section 3 discusses the initial task in developing a Public Awareness Program of identifying the audience(s) that should receive the program's messages, which includes the Excavator stakeholder group defined in Section 3.4. This group includes "Companies and local/state government agencies who are involved in any form of excavation activities." Table 2-1 defines the message type, frequency, and delivery methods/media for all stakeholder groups, including Excavators/Contractors.

During the inspection, PHMSA requested to review ANR's message delivery mail-out records from 2020-2023, including the records for a selected, known excavator identified as CES. ANR was unable to provide records of message delivery to CES for 2020-2022, with only records for 2023 being available.

Records provided by ANR indicated that the State Miss Dig program did not provide a mailing address for CES. However, the documentation included working phone numbers for the 11 tickets called by CES between 2020 - 2022. ANR could have utilized this information to obtain mailing address information for CES.

Therefore, ANR failed to follow the general recommendations of API RP 1162 by failing to identify and provide public awareness communication to a known excavator between the years 2020 – 2022 as required by § 192.616(c).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$266,015 per violation per day the violation persists, up to a maximum of \$2,660,135 for a related series of violations. For violation occurring on or after January 6, 2023 and before December 28, 2023, the maximum penalty may not exceed \$257,664 per violation per day the violation persists, up to a maximum of \$2,576,627 for a related series of violations. For violation occurring on or after March 21, 2022 and before January 6, 2023, the maximum penalty may not exceed \$239,142 per violation per day the violation persists, up to a maximum of \$2,391,142 for a related series of violations. For violation occurring on or after May 3, 2021 and before March 21, 2022, the maximum penalty may not exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violation occurring on or after January 11, 2021 and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violation occurring on or after July 31, 2019 and before January 11, 2021, the maximum penalty may not 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.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the item identified in this letter. Failure to do so will result in ANR Pipeline Co being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 1-2024-020-WL**. 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).

Sincerely,

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