

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 9, 2021

Mr. Kenneth Grubb
Chief Operating Officer
Tennessee Gas Pipeline Company
1001 Louisiana Street, Suite 1000
Houston, TX 77002

CPF 2-2021-009-WL

Dear Mr. Grubb:

From August 13 to September 4, 2020, the New York State Department of Public Service (NY DPS), acting as an Agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Tennessee Gas Pipeline Company (TGP) facilities and records in New York.

As a result of the inspection, it is alleged that TGP has committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (C.F.R.). The probable violation is:

1. **§ 192.605 Procedural manual for operations, maintenance, and emergencies.**
 - (a) ***General.* Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.**

TGP failed to meet the regulation because it did not follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. Specifically, TGP failed to follow its manual of written procedures, which required it to document the inspection and partial operation of each transmission line valve that might be required during an emergency, as required by § 192.745(a).

TGP Operations & Maintenance Procedure 301, titled "Inspecting and Servicing Emergency Valves," dated April 1, 2016, prescribes actions required to ensure compliance with § 192.745(a). This Procedure requires completion of TGP Form OM300-01, titled, "Automatic Valve Service Report," TGP Form OM300-03, titled "Valve Inspection Service Report," or documentation of the same information in the applicable inspection and maintenance work order, to demonstrate conformance with the procedure, which requires that each transmission line valve that might be operated during an emergency is inspected and partially operated at least once each calendar year, not to exceed 15 months. The NY DPS' review revealed that Valve 251L-101.2 on TGP's Line 200-3 loop end was not documented on any of the above-referenced forms for the 2018 calendar year, nor were there any inspection and maintenance work orders showing the valve was inspected and/or partially operated during 2018. The 2018 inspection of the valve was only documented in a TGP representative's daily planner notes. The NY DPS' review confirmed the applicability of the referenced procedure to the referenced valve.

Under 49 U.S.C. § 60122 and 49 C.F.R. § 190.223, you are subject to a civil penalty not to 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. 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.

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 items identified in this letter. Failure to do so will result in TGP 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 2-2021-009-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,

James A. Urisko
Director, Southern Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration