

September 19, 2023

VIA ELECTRONIC MAIL TO: crader@enmarkenergy.com

Connell Rader
President
Enmark Energy, Inc.
104 First Choice Drive
Madison, Mississippi 39110

Re: CPF No. 2-2023-011-NOPV

Dear Mr. Rader:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and specifies actions that need to be taken to comply with the pipeline safety regulations. When the terms of the compliance order are completed, as determined by the Director, Southern Region, this enforcement action will be closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt 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

Enclosures (Final Order and NOPV)

cc: Mr. James Urisko, Director, Southern Region, Office of Pipeline Safety, PHMSA
Mr. Jeff Tharpe, Operations Manager, Enmark Energy, Inc., jtharpe@enmarkenergy.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

Enmark Energy, Inc.,

Respondent.

)
)
)
)
)
)
)

CPF No. 2-2023-011-NOPV

FINAL ORDER

On July 28, 2023, pursuant to 49 C.F.R. § 190.207, the Director, Southern Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation and Proposed Compliance Order (Notice) to Enmark Energy, Inc. (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 195. The Notice also proposed certain measures to correct the violations. Respondent did not contest the allegations of violation or corrective measures.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 195.440(b) **(Item 1)** — Respondent failed to assess the unique attributes and characteristics of its pipeline and facilities in its Public Awareness Program;

49 C.F.R. § 195.452(i)(3) **(Item 2)** — Respondent failed to evaluate the capability of its leak detection means;

49 C.F.R. § 195.452(l)(1)(ii) **(Item 3)** — Respondent failed to maintain documents to support the decisions and analyses to implement and evaluate each element of its integrity management program with respect to performing risk assessments;

49 C.F.R. § 195.452(l)(1)(ii) **(Item 4)** — Respondent failed to maintain documents to support the decisions and analyses to implement and evaluate each element of its integrity management program with respect to assessing and evaluating the integrity of its pipeline; and

49 C.F.R. § 195.588(b)(1) (**Item 5**) — Respondent failed to follow the requirements of NACE SP0502-2010 when it performed an external corrosion direct assessment in 2018.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

Compliance Actions

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the actions proposed in the enclosed Notice to correct the violations. 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. Upon completion of the ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

Warning Items

With respect to Items 6, 7, 8 and 9, the Notice alleged probable violations of 49 C.F.R. §§ 195.402(a), 195.402(a), 195.452(b)(5), and 195.589(c), respectively, but did not propose a civil penalty or compliance order for these items. Therefore, these are considered to be warning items. If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

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

September 19, 2023

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued