U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

901 Locust Street, Suite 480
Kansas City, MO 64106

WARNING LETTER

VIA ELECTRONIC MAIL TO: paul.bieniawski@enstorinc.com **&** todd.cash@enstorinc.com

September 10, 2021

Paul Bieniawski
Chief Executive Officer
Enstor Mississippi Hub
10375 Richmond Avenue, Suite 1900
Houston, TX   77042

CPF 3-2021-057-WL

Dear Mr. Bienaiwski:

From November 2 – 6, 2020 , a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected your Control Room Management procedures and records in Katy, Texas.

This Notice is in response to PHMSA's Control Room Management (CRM) Initiative, which is a national level program that includes inspectors from every region. As a result, you may have received this Notice from a different Regional Director than typical because the CRM Initiative inspections are currently separate from the standard inspection program. Notices and correspondence from other types of inspections will remain unchanged.As a result of the inspection, it is alleged that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violations are:

1. § 192.631 Control room management.

(a) . . . .

(e) *Alarm management.* Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarm. An operator's plan must include provisions to:

(1) . . . .

(5) Monitor content and volume of general activity being directed to and required of each controller at least once each calendar year, but at intervals not to exceed 15 months, that will assure controllers have sufficient time to analyze and react to the incoming alarms;

Enstor failed to complete a work load analysis in 2019. Remote Operations Control (ROC) had completed its review on February 27, 2019 prior to Enstor coming in to the ROC control room on August 6, 2019. Sempra completed its study on October 27, 2019. Enstor should have completed the work load analysis on or before October 27, 2019, but no later than December 31, 2019.

2. § 192.631 Control room management.

(a) . . . .

(f) *Change management.* Each operator must assure that changes that could affect control room operations are coordinated with the control room personnel by performing each of the following:

(1) Establish communications between control room representatives, operator's management, and associated field personnel when planning and implementing physical changes to pipeline equipment or configuation.

Enstor failed to follow its CRM Procedure 7.11 when it moved the control room operation from Sempra to ROC on August 6, 2019. Section 7.1 stated "[a]ll identified changes shall be documented and reviewed through Company Management of Change (MOC) program." Enstor did not complete an MOC for moving the control room and SCADA access to the ROC facility. The process of transferring Enstor controllers from Sempra to ROC required training controllers, setting up the computer system, providing remote access to the Sempra servers and more. ROC completed a MOC 08062019- Mississippi Hub and Bay Gas Facilities that included training dates of 7/8/2019 to 8/5/2019 and remotely signing in to the Mississippi Hub SCADA servers and also the shift turnover from Sempra to ROC.

Under 49 U.S.C. § 60122 and 49 CFR § 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 item(s) identified in this letter. Failure to do so will result in Enstor Mississippi Hub 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 3-2021-057-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,

GREGORY ALAN OCHS Digitally signed by GREGORY ALAN OCHS
Date: 2021.09.10 12:44:32 -05'00'

Gregory A. Ochs
Director, Central Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration

cc: Todd Cash, Director Compliance todd.cash@enstorinc.com