



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

901 Locust Street, Suite 480
Kansas City, MO 64106

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED CIVIL PENALTY**

**VIA ELECTRONIC MAIL TO : Cynthia.hansen@enbridge.com;
peter.seydewitz@enbridge.com; leo.rosasjr@enbridge.com**

December 14, 2023

Cynthia Hansen
EVP & President Gas Transmission and Midstream - Enbridge Inc.
Texas Eastern Transmission, LP
915 N Eldridge Parkway, Suite 1100
Houston, TX 77079

CPF 3-2023-007-NOPV

Dear Ms. Hansen:

From February 22, 2022, and throughout 2022, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code (U.S.C.), investigated the February 21, 2022, in-service failure of Texas Eastern Transmission, LP's (TETLP) Line 11 in DeSoto Parish, Louisiana.

On February 21, 2022, at 11:25 pm Central Standard Time (CST), TETLP experienced an in-service failure of Line 11, near Mile Post 247 in DeSoto Parish, Louisiana ("the incident"). The 24-inch diameter pipeline was operating at 901 psi at the time of failure, and the rupture resulted in 9 fragments, totaling approximately 110 linear feet of pipe, being ejected from the ground. Approximately 37 million cubic feet of natural gas was unintentionally released as a result of the incident. The incident occurred in a Class 1 location, and there was no ignition, no injuries, and no fatalities. The estimated total cost of the incident, including the gas lost, was \$8,293,379.

The incident was caused by mechanical damage that occurred on the pipeline during an integrity dig. As denoted in the metallurgical report, the damage included 24 individual gouges located on the top portion of the pipe. The integrity dig, Dig 1175, began in October of 2020 but work ceased soon thereafter when it was determined that additional space was needed to complete the required repairs. Dig 1175 recommenced in May of 2021.

At some point during the excavation or backfilling activities for Dig 1175, likely during the second dig that began in May of 2021, the pipeline was struck resulting in mechanical damage to the pipe. According to TETLP, the line strike(s) and resulting mechanical damage were not reported by either the second-party excavator or the company representative that was supposed to be monitoring and inspecting the excavation activities. The mechanical damage that occurred during Dig 1175 left a flaw in the pipe that failed in-service months later on February 21, 2022, resulting in a rupture and release of natural gas.

As a result of the investigation, it is alleged that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item investigated and 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.

The manual required by § 192.605(a) must be followed and must include procedures to provide safety for operating, maintaining, and repairing the pipeline. *See* §192.605(b)(1). While performing Dig 1175 to maintain and repair the pipeline, TETLP failed to follow its procedure, “Ground Disturbance Specification – U.S.” Version 1.1, dated 11-26-2019. Specifically, TETLP failed to maintain a 1-foot buffer around the pipe when using mechanical equipment for excavation (see section 6.5) and/or backfilling (see section 6.12) during an integrity repair, Dig 1175, on Line 11. TETLP’s failure to maintain the 1-foot buffer resulted in the pipe being struck with equipment used by the second-party contractor that caused mechanical damage leading to the subsequent failure in February 2022.

These facts were revealed during the root-cause failure analysis conducted by DNV GL USA, Inc., and as part of TETLP’s internal investigation of the incident.

Proposed Civil Penalty

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to 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 \$2,391,412 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. 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 documentation involved for the above probable violation and recommend that you be preliminarily assessed a civil penalty of \$223,134 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$225,134

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Enforcement Proceedings*. Please refer to this document and note the response options. All material you submit in response to this enforcement action may be 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 respond as described in the enclosed *Response Options*. 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 a Final Order. If you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from the receipt of this Notice. The Region Director may extend the period for responding upon a written request timely submitted demonstrating good cause for an extension.

In your correspondence on this matter, please refer to **CPF 3-2023-007-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

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

Enclosure: *Response Options for Pipeline Operators in Enforcement Proceedings*

cc: Peter Seydewitz, Director, Operational Excellence, Texas Eastern Transmission, LP,
(peter.seydewitz@enbridge.com)
Leo Rosas, Jr., Supervisor, Operational Compliance, Texas Eastern Transmission, LP,
(leo.rosasjr@enbridge.com)