NOTICE OF AMENDMENT

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

December 11, 2023

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

CPF 3-2023-029-NOA

Dear Ms. Hansen:

From May 3, 2022 through May 5, 2022, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Texas Eastern Transmission, LP's (TETLP) plan and procedures for gas transmission integrity management in Houston, Texas.

As a result of the inspection, PHMSA has identified the apparent inadequacies found within TETPL's plans or procedures. The items inspected and the inadequacies are described below:

1. § 192.907 What must an operator do to implement this subpart?

(a) . . . .
(b) Implementation Standards. In carrying out this subpart, an operator must follow the requirements of this subpart and of ASME/ANSI B31.8S (incorporated by reference, see § 192.7) and its appendices, where specified. An operator may follow an equivalent standard or practice only when the operator demonstrates the alternative standard or practice provides an equivalent level of safety to the public and property. In the event of a conflict between this subpart and ASME/ANSI B31.8S, the requirements in this subpart control.

The TETLP Integrity Management Plan was inadequate as it did not describe or define how "may", "should", and similar statements are implemented and followed within the Integrity Management Plan for documents incorporated by reference. TETLP's "P-IMP

Appendix B" of the Integrity Management Plan did not describe implementation of "should" statements in materials incorporated by reference. As part of the integrity management (IM) program, referenced documents are included in decision-making, and a description of how decisions are made is required by § 192.907(a).

2. **§ 192.915 What knowledge and training must personnel have to carry out an integrity management program?**

(a) . . . .
(b) Persons who carry out assessments and evaluate assessment results. The integrity management program must provide criteria for the qualification of any person—
(1) . . . .
(2) Who reviews and analyzes the results from an integrity assessment and evaluation;

The TETLP Integrity Management Plan was inadequate as it did not provide the criteria for the qualification of persons, including supervisors, that review and evaluate the results of integrity assessments and evaluations for the following: external corrosion direct assessments (ECDA), internal corrosion direct assessments (ICDA), inline inspection, other technology, pressure testing and stress corrosion direct assessment (SCCDA). The IM plan must include specific criteria for each of the types of assessments and evaluations that are reviewed and analyzed within the integrity management program. § 192.907(a) requires the written IM plan describe how relevant decisions are made and by whom.

3. **§ 192.919 What must be in the baseline assessment plan?**
An operator must include each of the following elements in its written baseline assessment plan:

(a) Identification of the potential threats to each covered pipeline segment and the information supporting the threat identification. (See § 192.917.);
The TETLP Integrity Management Program procedures were inadequate as they did not describe the information required to support the threat identification for the baseline assessment plan. The procedures did not describe how the baseline assessment plan is populated with all of the required information. The procedure needs to describe the records that are required for supporting the threat identification. A written baseline assessment plan is a required element of integrity management plans. *See* § 192.911(b).

4. **§ 192.935 What additional preventive and mitigative measures must an operator take?**

(a) . . . .
(b) Third party damage and outside force damage-
(1) Third party damage. An operator must enhance its damage prevention program, as required under § 192.614 of this part, with respect to a covered segment to prevent and minimize the consequences of a release due to third party damage. Enhanced measures to an existing damage prevention program include, at a minimum-

(i) . . . .
(iv) Monitoring of excavations conducted on covered pipeline segments by pipeline personnel. If an operator finds physical evidence of encroachment involving excavation that the operator did not monitor near a covered segment, an operator must either excavate the area near the encroachment or conduct an above ground survey using methods defined in NACE SP0502 (incorporated by reference, see § 192.7). An operator must excavate, and remediate, in accordance with ANSI/ASME B31.8S and § 192.933 any indication of coating holidays or discontinuity warranting direct examination.

The TETLP procedure DP-50.300 was inadequate because it did not require investigation when TETLP finds physical evidence of excavations the operator did not monitor. The investigation must use above ground survey methods defined in NACE SP0502 with excavation and remediation of any indication of coating holidays or discontinuity warranting direct examination in accordance with ASME B31.8S and § 192.933. TETLP's procedure(s) must clearly indicate when and how excavations and/or above ground surveys will be used when physical evidence of an unmonitored third party excavation is discovered. Provisions for adding preventive and mitigative measures to protect high consequence areas is a required element of integrity management plans. *See* § 192.911(h).

5. **§ 192.939 What are the required reassessment intervals?**
An operator must comply with the following requirements in establishing the reassessment interval for the operator's covered pipeline segments.

(a) Pipelines operating at or above 30% SMYS. An operator must establish a reassessment interval for each covered segment operating at or above 30% SMYS in accordance with the requirements of this section. The maximum reassessment interval by an allowable reassessment method is 7 calendar years. Operators may request a 6-month extension of the 7-calendar- year reassessment interval if the operator submits written notice to OPS, in accordance with §192.18, with sufficient justification of the need for the extension. If an operator establishes a reassessment interval that is greater than 7 calendar years, the operator must, within the 7-calendar-year period, conduct a confirmatory direct assessment on the covered segment, and then conduct the follow-up reassessment at the interval the operator has established. A reassessment carried out using confirmatory direct assessment must be done in accordance with §192.931. The table that follows this section sets forth the maximum allowed reassessment intervals.

The TETLP Integrity Program procedures were inadequate as they did not specify how the determination of the reassessment interval was finalized and what records were to be maintained supporting the reassessment interval determination. A process of continual evaluation and assessment is a required element of integrity management plans. *See* § 192.911(f).

Response to this Notice
This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. 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. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under § 190.211. 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 an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested that Texas Eastern Transmission, LP maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Gregory Ochs, Director, OPS Central Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 3-2023-029-NOA** 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)