

WARNING LETTER

VIA ELECTRONIC MAIL TO: michael.koby@enbridge.com;
David.Stafford@Enbridge.com; Bradley.Salo@Enbridge.com

February 2, 2024

Mr. Michael Koby
Vice President, US Operations
Enbridge Pipelines (Southern Lights) L.L.C.
915 N Eldridge Parkway,
Suite 1100, Houston, TX 77079

CPF 3-2024-015-WL

Dear Mr. Koby:

From February 14 to July 27, 2023, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Enbridge Pipelines (Southern Lights) L.L.C.'s ("Enbridge") headquarters pipeline records in Superior, Wisconsin.

As a result of the inspection, it is alleged that Enbridge has committed probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item inspected and the probable violation is:

1. § 195.404 Maps and records.

(a)

(c) Each operator shall maintain the following records for the periods specified:

(1)

(3) A record of each inspection and test required by this subpart shall be maintained for at least 2 years or until the next inspection or test is performed, whichever is longer.

§ 195.428 Overpressure safety devices and overfill protection systems.

(a) Except as provided in paragraph (b) of this section, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, or in the case of pipelines used to carry highly volatile liquids, at intervals not to exceed 7 1/2 months, but at least twice each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

(b) In the case of relief valves on pressure breakout tanks containing highly volatile liquids, each operator shall test each valve at intervals not exceeding 5 years.

Enbridge's technician failed to correctly document the set and test pressures for pressure transmitters at the Line 13 Viking Station as required by § 195.404 from the inspection and testing requirements of § 195.428. In 2021, PSV-2 pressures were incorrectly documented and did not show the correct test pressures. After an Enbridge investigation into the situation, the following was shared with PHMSA, "Upon further review of the maintenance records for VG-13-PSV-1, it appears the technician made a mistake when entering the data into Maximo, and intermixed pressures with VG-13-PSV-2." The technician mistakenly entered the wrong pressure values and it was not caught before closing out the work orders for two years.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$266,015 per violation per day the violation persists, up to a maximum of \$2,660,135 for a related series of violations. For violation occurring on or after January 6, 2023 and before December 28, 2023, the maximum penalty may not 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 \$2,391,142 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.

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 identified in this letter. Failure to do so will result in Enbridge Pipelines (Southern Lights) L.L.C. 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 3-2024-015-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 A. Ochs
Director, Central Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration

cc: David Stafford (David.Stafford@Enbridge.com)
Bradley Salo (Bradley.Salo@Enbridge.com)