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May 05, 2025

Sent Via Electronic Transmission

Mr. Gregory A. Ochs
Director, Central Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
901 Locust Street, Suite 480
Kansas City, MO 64106

Re: CPF 3-2024-045-NOPV
Enbridge Supplemental Response 2

Dear Mr. Ochs:

Enbridge Storage (Cushing), LLC, operating as Enbridge, submits this supplemental response to the Notice of Probable Violation (CPF 3-2024-045-NOPV) dated May 10, 2024, and the proposed civil penalties outlined therein. Enbridge submitted an initial response on June 7, 2024, and supplemental response 1 on July 5, 2024. At the time of this letter, Enbridge has not received a Final Order; therefore, respectfully submits the following request for reconsideration of the NOPV.

Enbridge has reviewed the procedural guidance outlined in the "Procedural Requirements for DOT Enforcement Actions" memorandum dated March 11, 2025, and contends the proposed civil penalties outlined in the NOPV do not meet the procedural requirements set forth in the memorandum. Specifically, **"the assessment of proposed or final penalties in a DOT enforcement action shall be communicated in writing ... with a full explanation of the basis for the calculation of asserted penalties."** The NOPV did not provide an explanation of the penalty calculations.

Without a detailed explanation or disclosure of the penalty calculations and underlying methodology, Enbridge did not have a complete set of information with which to appropriately evaluate and challenge the proposed penalties in its response.

Except for NOPV Item #1, Enbridge does not dispute the citations in the NOPV but contends that the underlying issues do not warrant the severity of the proposed penalties. Absent detailed calculations of the proposed penalties and associated calculation methodology, it is unclear that the penalties are warranted. The memorandum emphasizes the importance of fairness and proportionality in enforcement actions, stating that **"no civil penalties will be sought in any DOT enforcement action except when and as supported by clear statutory authority and sufficient findings of fact."** Additionally, it encourages the consideration of mitigating factors, such as the violator's knowledge and intent.

In this instance, the violations involve procedural and administrative shortcomings, which Enbridge has addressed or is in the process of correcting. These actions demonstrate Enbridge's commitment to compliance and a proactive approach to rectifying identified deficiencies.

Enbridge's proactive safety culture and proactive identification of these items to PHMSA, including ongoing efforts to comply with regulatory requirements, should be considered as mitigating factors. Therefore, Enbridge requests that the proposed civil penalties be either eliminated or significantly reduced to reflect the actual severity and context of the violations. We believe that a more collaborative approach, focusing on corrective actions and enhanced compliance rather than punitive measures, would be more effective in achieving the shared goal of ensuring pipeline safety and regulatory compliance.

Enbridge remains committed to maintaining the highest standards of safety and regulatory compliance in our operations. We appreciate the opportunity to review our request contained in this letter and respectfully request that PHMSA and DOT consider the points raised in this response if they opt to proceed with issuing the Final Order.

Should you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, reading "Jeffrey Cremin". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Cremin" clearly distinguishable.

Jeff Cremin
Manager, US Liquid Pipeline Compliance

cc:

Daniella Donaldson (PHMSA) via email to d.donaldson.ctr@dot.gov

Ryan McClure (PHMSA) via email to ryan.mcclure@dot.gov

Kevin Ruffatto (Enbridge) via email to kevin.ruffatto@enbridge.com