

**NOTICE OF PROBABLE VIOLATION  
and  
PROPOSED COMPLIANCE ORDER**

**VIA ELECTRONIC MAIL TO:** [cynthia.hansen@enbridge.com](mailto:cynthia.hansen@enbridge.com);  
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July 1, 2025  
Ms. Cynthia Hansen  
President / Chief Operating Officer  
Texas Eastern Transmission, LP  
915 North Eldridge Parkway  
Houston, TX 77079

**CPF 3-2025-027-NOPV**

Dear Ms. Hansen:

For the weeks of May 13, June 3, and June 24, 2024, representatives 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 procedures and records for the new gas integrity rule<sup>1</sup> in Houston, Texas.

As a result of the inspection, it is alleged that Texas Eastern Transmission, LP's (TET) has committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item inspected 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.**

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<sup>1</sup> Pipeline Safety: Safety of Gas Transmission Pipelines: MAOP Reconfirmation, Expansion of Assessment Requirements, and Other Related Amendments, 84 Fed. Reg. 52,180 (October 1, 2019).

**Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.**

TET did not follow its manual of written procedures in accordance with § 192.605(a). Specifically, TET did not follow its “Pipeline Integrity – Integrity Management Plan” (IMP), section 7.3.1 which required the identification of Moderate Consequence Areas (MCA) for the purpose of conducting baseline assessments in accordance with § 192.710(b). Section 7.3.1 referenced procedure OC-52.201 – “HCA/MCA Identification Process” which states in section 3 that “HCAs and MCAs shall be identified, evaluated, and published once per calendar year, not to exceed a period of 15 months for all US Enbridge (as built/in service) gas transmission pipelines.”

During PHMSA’s inspection, PHMSA inspectors reviewed TET’s pipeline system for MCAs and determined that six MCAs were missed at the time of the inspection. A historical review of publicly available satellite imagery found that these locations existed prior to the effective date of the regulation, which was July 1, 2020. The missed MCAs discovered during PHMSA’s inspection were as follows:

Location

- 40.439063°, -78.978202° - ARMA-LILL/12 was not designated as an MCA even though it met the 5 buildings intended for human occupancy density count within a potential impact radius. The adjacent lines ARMA-LILL/19 and ARMA-LILL/27 were designated as MCAs within this area.
- 40.338835°, -75.078314° - EAGL-LAMT/1 line segment had an MCA identified in this area due to the house density. However, the MCA should have been longer than what was designated in the map. This MCA was right next to a designated high consequence area (HCA) for this line. The adjacent line EAGL-LAMT/2 was designated an HCA throughout this entire area.
- 40.116594°, -75.272552° - EAGL-LAMT/1-B-2 had an MCA established for the PA Turnpike (Hwy 276). However, the MCA stopped short of a location where the pipe segments met the house density count requirement. Therefore, the MCA should have been expanded to include this area.
- 40.134355°, -75.248624° - EAGL-LAMT/1-B-1 did not have an MCA designated at this location, despite it meeting the criteria due to the housing density.
- 40.111930°, -75.270010° - EAGL-LAMT/1-B-1 and EAGL-LAMT/1-B-2 were not identified MCAs at this location, despite meeting the criteria due to housing density. This area was adjacent to existing MCAs on both lines.
- 40.081469°, -75.134934° - EAGL-LAMT/1-F did not have an MCA designated in this area, despite meeting the criteria due to housing density.

Thus, TET did not follow its IMP, Section 7.3.1, for the identification of MCAs in six locations, in violation of § 192.605(a).

### Proposed Civil Penalty

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$272,926 per violation per day the violation persists, up to a maximum of \$2,729,245 for a related series of violations. For violation occurring on or after December 28, 2023 and before December 30, 2024 the maximum penalty may not 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 \$2,391,412 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.

We have reviewed the circumstances and supporting documents involved in this case and have decided not to propose a civil penalty assessment at this time.

### Proposed Compliance Order

With respect to Item 1 pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Texas Eastern Transmission, LP. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

### 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 your 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 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 3-2025-027-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

David Barrett  
Acting Director, Central Region, Office of Pipeline Safety  
Pipeline and Hazardous Materials Safety Administration

cc: Mr. Peter Seydewitz, Director - Operational Excellence  
Ms. Salima Abdulla, Manager – Operational Compliance  
Mr. Michael McGrath, Strategic Advisor, Operational Compliance

Enclosures: *Proposed Compliance Order*  
*Response Options for Pipeline Operators in Enforcement Proceedings*

## **PROPOSED COMPLIANCE ORDER**

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Texas Eastern Transmission, LP a Compliance Order incorporating the following remedial requirements to ensure the compliance of Texas Eastern Transmission, LP, with the pipeline safety regulations:

- A. In regard to Item 1 of the Notice pertaining to missed Moderate Consequence Areas (MCAs), Texas Eastern Transmission, LP, must review all processes that are associated with the identification of MCAs to determine how existing structure MCAs were not previously identified and provide documentation of the review and approval to the Director, Central Region within **90** days of issuance of the Final Order. Once this review is complete, Texas Eastern Transmission, LP, must ensure all MCAs and other pipe segments subject to § 192.710 are identified and submit the final results to the Director, Central Region for review and approval within **180** days of issuance of the Final Order.
- B. It is requested (not mandated) that Texas Eastern Transmission maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Director, Central Region, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.