



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 South Gessner, Suite 1110
Houston, TX 77074

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 20, 2013

Mr. Terry Hurlburt
Sr. Vice President Operations and EHS&T
Enterprise Products Operating LLC
P. O. Box 4324
Houston, Texas 77210-4324

CPF 4-2013-5018

Dear Mr. Hurlburt:

Between December 28, 2011 and December 17, 2012, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code investigated an accident that occurred on your Rio Grande pipeline that failed at MP 50.16, in Loving County, Texas.

As a result of the investigation, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, and Code of Federal Regulations. The items inspected and the probable violation(s) are:

1. **§195.402 Procedural manual for operations, maintenance, and emergencies.**
 - (a) **General.** Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

Enterprise failed to follow their procedures for Pipeline Repairs (6.2 Job Planning Process) following a

December 27, 2011 accident in Loving County, Texas. Enterprise did not establish a "Job Plan" (SF20) as required by their procedures.

Enterprise Safety Policies Manual, 6.2 Job Planning Process, requires the development and utilization of a Job Plan (SF20) for work that does not have an established written procedure. All work is to be conducted through the use of the Job Plan and Safe Work Permit. Enterprise did not have a SF20 for the initial repair attempt on December 28, 2011. Enterprise's Area Supervisor admitted their failure to follow established procedures by not developing a Job Plan (SF 20) for the repair of the failed weld. Failure to establish and follow a Job plan was a contributing factor that resulted in a second accident injuring three workers.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation(s) and has recommended that you be preliminarily assessed a civil penalty of \$100,000.

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. All material 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). 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.

In your correspondence on this matter, please refer to **CPF 4-2013-5018** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



R. M. Seely
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

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