

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 31, 2022

Jeff Morton
Director, Transportation Compliance
Enterprise Crude Pipeline LLC
1100 Louisiana Street
Houston, Texas 77002

CPF 4-2022-002-NOA

Dear Mr. Morton:

From May 3, 2021 through September 30, 2021, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Enterprise Crude Pipeline LLC's (Enterprise) Seaway 30-inch Crude System, Houston Crude System, and Midland Crude System in Oklahoma and Texas.

On the basis of the inspection, PHMSA has identified inadequacies found within Enterprise's plans or procedures, as described below:

1. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a)

(c) Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1)

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.

§ 195.414 Inspections of pipelines in areas affected by extreme weather and natural disasters.

(a) General. Following an extreme weather event or natural disaster that has the likelihood of damage to infrastructure by the scouring or movement of the soil surrounding the pipeline, such as a named tropical storm or hurricane; a flood that exceeds the river, shoreline, or creek high-water banks in the area of the pipeline; a landslide in the area of the pipeline; or an earthquake in the area of the pipeline, an operator must inspect all potentially affected pipeline facilities to detect conditions that could adversely affect the safe operation of that

pipeline.

(b) Inspection method. An operator must consider the nature of the event and the physical characteristics, operating conditions, location, and prior history of the affected pipeline in determining the appropriate method for performing the initial inspection to determine the extent of any damage and the need for the additional assessments required under paragraph (a) of this section.

(c) Time period. The inspection required under paragraph (a) of this section must commence within 72 hours after the cessation of the event, defined as the point in time when the affected area can be safely accessed by the personnel and equipment required to perform the inspection as determined under paragraph (b) of this section. In the event that the operator is unable to commence the inspection due to the unavailability of personnel or equipment, the operator must notify the appropriate PHMSA Region Director as soon as practicable.

(d) Remedial action. An operator must take prompt and appropriate remedial action to ensure the safe operation of a pipeline based on the information obtained as a result of performing the inspection required under paragraph (a) of this section. Such actions might include, but are not limited to:

- (1) Reducing the operating pressure or shutting down the pipeline;**
- (2) Modifying, repairing, or replacing any damaged pipeline facilities;**
- (3) Preventing, mitigating, or eliminating any unsafe conditions in the pipeline right-of-way;**
- (4) Performing additional patrols, surveys, tests, or inspections;**
- (5) Implementing emergency response activities with Federal, State, or local personnel; and**
- (6) Notifying affected communities of the steps that can be taken to ensure public safety**

Enterprise's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to ensure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Specifically, Enterprise failed to include procedures for inspection of its pipelines in areas affected by extreme weather and natural disasters in accordance with § 195.414.

At the time of the inspection, Enterprise provided a draft copy of procedures to address § 195.414; however, these procedures had not been implemented into any program or manual. Following the inspection, on November 23, 2021, Enterprise provided the Table of Contents of Enterprise Products' Hurricane Plan 2021 (effective Date 6/1/2021, Rev. 12) for its South Texas Terminals, and Section 5.7 Natural Disasters of its 2021 Emergency Response Plan in response to PHMSA's Post Inspection Findings. The records provided do not include the required provisions of § 195.414.

Therefore, Enterprise's written procedures for conducting operations, maintenance, and emergency preparedness and response activities were inadequate to ensure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Enterprise must revise its procedures to address this requirement.

2. **§ 195.452 Pipeline integrity management in high consequence areas.**

(a)

(f) *What are the elements of an integrity management program?* An integrity management program begins with the initial framework. An operator must continually change the program to reflect operating experience, conclusions drawn from results of the integrity assessments, and other maintenance and surveillance data, and evaluation of consequences of a failure on the high consequence area. An operator must include, at minimum, each of the following elements in its written integrity management program:

(1)

(6) Identification of preventive and mitigative measures to protect the high consequence area (see paragraph (i) of this section);

Enterprise's written procedures for integrity management were inadequate to ensure safe operation of a pipeline facility in accordance with § 195.452(f)(6). Specifically, Enterprise's written integrity management procedures failed to include a timeframe for implementation of preventive and mitigative (P&M) measures to protect high consequence areas. Due to the inadequate procedures, Enterprise failed to implement several identified P&M measures. In two instances, five or more years passed before Enterprise approved the plan to address identified P&M measures.¹ Those P&M measures, identified in 2014 and 2015, have not been implemented.

Section 6-01.2.2.7.4 of the *Information Analysis Facilities Procedure (IM Procedure 6-01F, Rev. Date 5/14/20214, Rev. 09)* states that "all preventive and mitigative recommendations requiring action shall be prioritized, addressed, and administered under the Company capital project or expense project process." However, this procedure failed to include a timeframe for implementation of identified P&M measures. Enterprise must amend its procedures to address this deficiency to ensure identified P&M measures are timely implemented.

Therefore, Enterprise's written procedures for integrity management were inadequate to ensure safe operation of a pipeline facility in accordance with § 195.452(f)(6). Enterprise must revise its procedures to address this requirement.

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 Compliance

¹ See Exh. A-5, Post Inspection Written Preliminary Findings, at 3-5 (Nov. 10, 2021); Exh. B-1, Midland Tank Farm IMP Record, at 2.1.8 & 2.2.3 (Aug. 18, 2021); Exh. B-3, Cushing West Tank Farm IMP Records, at 2.1.4, 2.1.8, 2.2.3 (Aug. 18, 2021).

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 (not mandated) that Enterprise Crude Pipeline LLC maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to the Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 4-2022-002-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Bryan Lethcoe
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

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