

December 16, 2022

VIA ELECTRONIC MAIL TO: cynthia.hansen@enbridge.com

Ms. Cynthia Hansen
Executive Vice President and President
Gas Transmission and Midstream
Enbridge Inc.
915 North Eldridge Parkway
Houston, Texas 77079

Re: CPF No. 4-2022-026-NOPV

Dear Ms. Hansen:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and specifies actions that need to be taken by East Tennessee Natural Gas, LLC, a subsidiary of Enbridge Inc., to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Southwest Region, this enforcement action will be closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. Bryan Lethcoe, Director, Southwest Region, Office of Pipeline Safety, PHMSA
Mr. Nathan Atanu, Manager, Operational Compliance, Enbridge Inc.,
nathan.atanu@enbridge.com

CONFIRMATION OF RECEIPT REQUESTED

¹ Enbridge Inc. website, *available at* <https://www.enbridge.com/map#map:infrastructure,search=%22east%20tennessee%20can%20deliver%22> (last accessed Nov. 21, 2022).

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 193.2619(c), which states:

§ 193.2619 Control systems.

(a) . . .

(c) Control systems in service, but not normally in operation, such as relief valves and automatic shutdown devices, and control systems for internal shutoff valves for bottom penetration tanks must be inspected and tested once each calendar year, not exceeding 15 months, with the following exceptions:

The Notice alleged that Respondent violated 49 C.F.R. § 193.2619(c) by failing to inspect and test relief valves at least once each calendar month, not exceeding 15 months.² Specifically, the Notice alleged that ETNG failed to provide records to demonstrate that testing was performed on the LNG tank relief valves at the requisite intervals.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 193.2619(c) for failing to inspect and test LNG tank relief valves at least once each calendar month, not exceeding 15 months.

Item 2: The Notice alleged that Respondent violated 49 C.F.R. § 193.2801, which states:

§ 193.2801 Fire protection.

Each operator must provide and maintain fire protection at LNG plants according to sections 9.1 through 9.7 and section 9.9 of NFPA-59A-2001 (incorporated by reference, see § 193.2013). However, LNG plants existing on March 31, 2000, need not comply with provisions on emergency shutdown systems, water delivery systems, detection systems, and personnel qualification and training until September 12, 2005.

The Notice alleged that Respondent violated 49 C.F.R. § 193.2801 by failing to provide and maintain fire protection at LNG plants according to sections 9.1 through 9.7 and section 9.9 of NFPA-59A-2001. Specifically, the Notice alleged two instances of violation. First, ETNG failed to include an evaluation to determine the type, quantity, and location of equipment necessary for the detection and control of fires, leaks, and spills of LNG, flammable refrigerants, or flammable gases, and potential non-process and electrical fires as required in section 9.1.2 of NFPA-59A-2001. Second, ETNG failed to design an adequate fire water supply and distribution system in accordance with section 9.4.2 of NFPA-59A-2001.

Respondent did not contest this allegation of violation.³ Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 193.2801 by failing to provide and maintain fire protection at LNG plants according to sections 9.1 through 9.7 and section 9.9 of

² See also 49 C.F.R. § 193.2619(e) (requiring operators to inspect and test relief valves for verification of the valve seat lifting pressure and reseating).

³ In its Response, ETNG provided additional information to support its contention that it complied with the regulatory requirement, despite its decision to not contest a finding of violation. Response, at 4.

NFPA-59A-2001.

Item 3: The Notice alleged that Respondent violated 49 C.F.R. § 193.2911, which states:

§ 193.2911 Security lighting.

Where security warning systems are not provided for security monitoring under § 193.2913, the area around the facilities listed under § 193.2905(a) and each protective enclosure must be illuminated with a minimum in service lighting intensity of not less than 2.2 lux (0.2 ft c) between sunset and sunrise.

The Notice alleged that Respondent violated 49 C.F.R. § 193.2911 by failing to illuminate the area around the facility listed under § 193.2905(a) and each protective enclosure with a minimum in service lighting intensity of not less than 2.2 lux between sunset and sunrise. Specifically, the Notice alleged that ETNG failed to provide the requisite security lighting at its Peak Shaving LNG facility between sunset and sunrise.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 193.2911 by failing to illuminate the area around the LNG facility with a minimum in service lighting intensity of not less than 2.2 lux between sunset and sunrise.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Items 1, 2, and 3 in the Notice for violations of 49 C.F.R. §§ 193.2619(c), 193.2801, and 193.2911, respectively. Under 49 U.S.C. § 60118(a), each person who engages in the transportation of hazardous liquids or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601.

With regard to the violation of § 193.2801 (Item 2), Respondent claimed that the compliance terms set forth in the Proposed Compliance Order for Item 2 should be clarified and revised.⁴ On April 5, 2022, ETNG and OPS (collectively, the parties) met to discuss the compliance terms and the proposed revisions.⁵ As a result, the parties agreed to revise the compliance terms for Item 2 as set forth more fully below.

Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

⁴ Response, at 5-6.

⁵ Region Recommendation, at 2-3 (on file with PHMSA).

1. With respect to the violation of § 193.2619(c) (**Item 1**), Respondent must inspect and test relief valves on LNG tanks for verification of the valve seat lifting pressure and reseating. ETNG must develop procedures for LNG Tank relief valves inspection and testing. ETNG must complete this item and provide documentation of such to the Director within 30 days after receipt of a Final Order.

2. With respect to the violation of § 193.2801 (**Item 2**), Respondent must perform an evaluation in accordance with NFPA-59A-2001 Section 9.1.2. ETNG must re-evaluate the Hydraulic Gradient Testing and Fire Hazard Mitigation Analysis (Report) to exclude the pumper truck to demonstrate that ETNG meets NFPA-59A-2001 Section 9.1.2. The re-evaluation must include the following: (i) the scenarios of the fixed fire protection systems at the facility to simulate the requirement of firewater demands; (ii) clarity on the firefighting process including training and drills for first responders; and (iii) a basis for the estimated time to respond following the initial ignition of a flammable release. ETNG must perform the evaluation described above and provide documentation of such to the Director within 30 days after receipt of a Final Order.

Further, ETNG must design a firewater supply and distribution system in accordance with NFPA-59A-2001 Section 9.4.2. The design shall provide simultaneous supply of fixed fire protection systems at their design flow and pressure, involved in the maximum single incident expected in the plant plus an allowance of 1,000 gpm (63 L/sec) for hand hose streams for not less than two hours. ETNG must include the coverage of gas and UV detectors at the facility in accordance with NFPA-59-A-2001 Section 9.1.2. ETNG must complete design criteria and provide documentation of such to the Director within 30 days after receipt of a Final Order.

3. With respect to the violation of § 193.2911 (**Item 3**), Respondent must provide minimum in-service lighting intensity of 2.2 lux between sunset and sunrise to areas around facilities listed under § 193.2905(a), and each protective enclosure where security warning systems are not provided for security monitoring under § 193.2913. ETNG must complete this item within 30 days after receipt of a Final Order.

4. With respect to Items 2 and 3 of this Order, ETNG must complete all improvements resulting from design or evaluations within 90 days and provide documentation to the Director after receipt of a Final Order.

The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension.

PHMSA requests that Respondent maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to the Director. 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.

Failure to comply with this Order may result in the administrative assessment of civil penalties not to exceed \$200,000, as adjusted for inflation (*see* 49 C.F.R. § 190.223), for each violation for each day the violation continues or in referral to the Attorney General for appropriate relief in a district court of the United States.

Under 49 C.F.R. § 190.243, Respondent may submit a Petition for Reconsideration of this Final Order to the Associate Administrator, Office of Pipeline Safety, PHMSA, 1200 New Jersey Avenue, SE, East Building, 2nd Floor, Washington, DC 20590, with a copy sent to the Office of Chief Counsel, PHMSA, at the same address. The written petition must be received no later than 20 days after receipt of the Final Order by Respondent. Any petition submitted must contain a statement of the issue(s) and meet all other requirements of 49 C.F.R. § 190.243. The terms of the order, including corrective action, remain in effect unless the Associate Administrator, upon request, grants a stay.

The terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

December 16, 2022

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued