

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 3, 2022

Cary Watson
Vice President Safety, Environmental & Technical Programs
Enable Mississippi River Transmission, LLC
499 West Sheridan Avenue, Suite 1500
Oklahoma City, Oklahoma 73102

CPF 4-2022-047-NOPV

Dear Mr. Watson:

From April 26 to October 21, 2021, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Enable Mississippi River Transmission, LLC's (Enable) natural gas transmission pipeline systems and associated records in Louisiana, Arkansas, Missouri, and Illinois.

As a result of the inspection, it is alleged that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (C.F.R.). The items inspected and the probable violations are:

1. **§ 192.619 Maximum allowable operating pressure: Steel or plastic pipelines.**
 - (a) **No person may operate a segment of steel or plastic pipeline at a pressure that exceeds a maximum allowable operating pressure (MAOP) determined under paragraph (c), (d), or (e) of this section, or the lowest of the following:**
 - (1) **The design pressure of the weakest element in the segment, determined in accordance with subparts C and D of this part. However, for steel pipe in pipelines being converted under § 192.14 or uprated under subpart K of this part, if any variable necessary to determine the design pressure under the design formula (§ 192.105) is unknown, one of the following pressures is to be used as design pressure:**

(i) Eighty percent of the first test pressure that produces yield under section N5 of Appendix N of ASME B31.8 (incorporated by reference, see § 192.7), reduced by the appropriate factor in paragraph (a)(2)(ii) of this section; or

(ii) If the pipe is 12 ¾ inches (324 mm) or less in outside diameter and is not tested to yield under this paragraph, 200 p.s.i. (1379 kPa).

(2) The pressure obtained by dividing the pressure to which the pipeline segment was tested after construction as follows:

(i) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5.

(ii) For steel pipe operated at 100 psi (689 kPa) gage or more, the test pressure is divided by a factor determined in accordance with the Table 1 to paragraph (a)(2)(ii):

Table 1 to Paragraph (a)(2)(ii)

Class location	Installed before (Nov. 12, 1970)	Factors, ^{1 2} segment -		
		Installed after (Nov. 11, 1970) and before July 1, 2020	Installed on or after July 1, 2020	Converted under § 192.14
1	1.1	1.1	1.25	1.25
2	1.25	1.25	1.25	1.25
3	1.4	1.5	1.5	1.5
4	1.4	1.5	1.5	1.5

¹ For offshore pipeline segments installed, uprated or converted after July 31, 1977, that are not located on an offshore platform, the factor is 1.25. For pipeline segments installed, uprated or converted after July 31, 1977, that are located on an offshore platform or on a platform in inland navigable waters, including a pipe riser, the factor is 1.5.

² For a component with a design pressure established in accordance with § 192.153(a) or (b) installed after July 14, 2004, the factor is 1.3.

(3) The highest actual operating pressure to which the segment was subjected during the 5 years preceding the applicable date in the second column. This pressure restriction applies unless the segment was tested according to the requirements in paragraph (a)(2) of this section after the applicable date in the third column or the segment was uprated according to the requirements in subpart K of this part:

Pipeline segment	Pressure date	Test date
(i) Onshore regulated gathering pipeline (Type A or Type B under § 192.9(d)) that first became subject to this part (other than § 192.612) after April 13, 2006	March 15, 2006, or date pipeline becomes subject to this part, whichever is later	5 years preceding applicable date in second column.

(ii) Onshore regulated gathering pipeline (Type C under § 192.9(d)) that first became subject to this part (other than § 192.612) on or after May 16, 2022	May 16, 2023, or date pipeline becomes subject to this part, whichever is later	5 years preceding applicable date in second column.
iii) Onshore transmission pipeline that was a gathering pipeline not subject to this part before March 15, 2006	March 15, 2006, or date pipeline becomes subject to this part, whichever is later	5 years preceding applicable date in second column.
(iv) Offshore gathering pipelines	July 1, 1976	July 1, 1971.
(v) All other pipelines	July 1, 1970	July 1, 1965.

(4) The pressure determined by the operator to be the maximum safe pressure after considering and accounting for records of material properties, including material properties verified in accordance with § 192.607, if applicable, and the history of the pipeline segment, including known corrosion and actual operating pressure.

Enable failed to establish a Maximum Allowable Operating Pressure (MAOP) for its 4-inch, A-180 pipeline in accordance with § 192.619(a). Enable was unable to provide records demonstrating the establishment of the MAOP for its twenty miles pipeline located in Madison and Iron counties, Missouri, which was placed in service prior to 1970.

Specifically, Enable failed to properly establish the MAOP for the A-180 pipeline by not considering all of the factors in § 192.619(a), such as the design pressure of the weakest element in the segment, certain test pressures, the historical operating pressure, and the material properties of the pipeline.

Although Enable has operated the A-180 pipeline since 1964, it provided record for MAOP validation performed on 1100 feet of A-180 pipeline replacement in 2014 (between station 169+66 to 176+45 and 358+13 to 362+34) to substantiate its MAOP determination. For the remaining pipeline section, Enable provided a study performed in 2011 to compile the information for the original construction. However, Enable could not produce pressure test records, logs, or the highest actual operating pressure for the five-year period preceding July 1, 1970, to establish its MAOP in accordance with § 192.619(a).

Therefore, Enable's records do not meet the requirements of § 192.619(a) for establishing the MAOP of its 4-inch Line A-180 pipeline.

2. § 192.933 What actions must be taken to address integrity issues?

(a) ...

(d) *Special requirements for scheduling remediation -*

(1) *Immediate repair conditions.* An operator's evaluation and remediation schedule must follow ASME/ANSI B31.8S, section 7 in providing for immediate repair conditions. To maintain safety, an operator must temporarily reduce operating pressure in accordance

with paragraph (a) of this section or shut down the pipeline until the operator completes the repair of these conditions. An operator must treat the following conditions as immediate repair conditions:

(i) A calculation of the remaining strength of the pipe shows a predicted failure pressure less than or equal to 1.1 times the maximum allowable operating pressure at the location of the anomaly. Suitable remaining strength calculation methods include ASME/ANSI B31G (incorporated by reference, see § 192.7) , PRCI PR-3-805 (R-STRENG) (incorporated by reference, see § 192.7), or an alternative equivalent method of remaining strength calculation.

Enable failed to temporarily reduce the operating pressure or shut down the pipeline upon discovery of 68 immediate repair conditions as a result of its integrity assessment on its 22-inch Main Line 2 pipeline. On June 23, 2020, Enable conducted an In-Line Inspection (ILI) using an EMAT-C tool on its Main Line 2 from the Mississippi River to the Columbia Meter Station. On November 5, 2020, the ILI vendor reported 68 immediate repair conditions as defined in § 192.933(d)(1)(i). On March 20, 2021, 136 days after receiving notification of the immediate repair conditions, Enable initiated a 20% pressure reduction on the Main Line 2 pipeline.

Therefore, Enable failed to temporarily reduce operating pressure or shut down the pipeline upon discovery of the immediate repair conditions as defined in § 192.933(d)(1).

Proposed Compliance Order

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$239,142 per violation per day the violation persists, up to a maximum of \$2,391,142 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. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022.

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.

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 Enable Mississippi River Transmission, LLC. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Warning Item

With respect to Item 2, we have reviewed the circumstances and supporting documents involved in this case and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to promptly correct this item. Failure to do so may result in additional enforcement action.

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. 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, or request a hearing under 49 C.F.R. § 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 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. This period may be extended by written request for good cause.

In your correspondence on this matter, please refer to **CPF 4-2022-047-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Mary L. McDaniel, P.E.
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

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

PROPOSED COMPLIANCE ORDER

Pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Enable Mississippi River Transmission, LLC (Enable) a Compliance Order incorporating the following remedial requirements to ensure the compliance of Enable with the pipeline safety regulations:

- A. With regard to Item 1 of the Notice concerning Enable's failure to establish a Maximum Allowable Operating Pressure (MAOP) for its 20-mile 4-inch A-180 pipeline located in Missouri, also known as A-180 pipeline, Enable must establish an MAOP for A-180 in accordance with 49 C.F.R. § 192.619(a). Enable must submit a proposed plan for establishing an MAOP on A-180 to the Director, Southwest Region, PHMSA, for review and approval within 30 days of the issuance of the Final Order. Once PHMSA has approved the plan, Enable must implement the approved plan to establish the MAOP and submit corresponding documentation to PHMSA within 180 days of the issuance of the Final Order.

It is requested (not mandated) that Enable maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total costs to Mary L. McDaniel, P.E., Director, Southwest, Pipeline and Hazardous Materials Safety Administration.-It is requested that these costs be reported in two categories: 1) the total cost associated with preparation/revision of plans, procedures, studies and analyses; and 2) the total cost associated with replacements, additions, and other changes to pipeline infrastructure.