

## NOTICE OF AMENDMENT

### VIA ELECTRONIC MAIL

December 14, 2022

Graham Bacon  
Executive Vice President and Chief Operating Officer  
Enterprise Products Operating, LLC  
1100 Louisiana Street  
Houston Texas 77002

CPF 4-2022-063-NOA

Dear Mr. Bacon:

From February 7 through May 13, 2022, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the operations and maintenance procedures for the Enterprise MAPCO SW Pipeline System (Enterprise) in New Mexico, Texas, Oklahoma, and Kansas.

Based on the inspection, PHMSA has identified the apparent inadequacy found within Enterprise's 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.**

**§ 195.440 Public awareness.**

**(a) . . . .**

**(g) The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.**

Enterprise's written continuing public education program procedures were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Specifically, Enterprise's written continuing public education program is inadequate because it does not conduct the program in English and other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's areas for all stakeholders as required by § 195.440(g).

Enterprise's Operations and Maintenance Procedure S4000 Public Awareness Program (Revision No. 19, Revision Date 12/17/2019) section 2.23 states that public awareness brochures are provided in English and Spanish to the "Affected Public" and "Excavator" audiences. However, those brochures are only provided in English to the "Emergency Official" and "Local Public Officials."

Enterprise's Public Awareness Program must be amended so that all public awareness brochures and information are provided in English and other languages commonly understood by a significant number and concentration of the non-English speaking population to all stakeholders, including schools, emergency response officials, public officials, and one-call centers. Enterprise must conduct its public awareness program in the languages identified as applicable in its demographic analysis.

Therefore, Enterprise's written continuing public education program procedures were inadequate to assure safe operation of a pipeline facility in accordance with § 195.402(c)(3). Enterprise must revise its procedures to address the requirements in § 195.440(g).

#### 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 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 60 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 maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Bryan Lethcoe, Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 4-2022-063-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

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

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