



By Electronic Mail

October 23, 2023

Mr. Alan K. Mayberry
Associate Administrator for Pipeline Safety
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, S.E.
Washington, DC 20590

**Re: Enable Gas Transmission, LLC
Corrective Action Order, CPF 4-2023-007-CAO
Request for Hearing**

Dear Mr. Mayberry:

The Pipeline and Hazardous Materials Safety Administration (PHMSA) issued the above referenced Corrective Action Order (CAO) to Enable Gas Transmission, LLC (EGT or the Company) on October 13, 2023. PHMSA issued this CAO to EGT in conjunction with an incident that occurred on October 4, 2023 on its 24-inch BT-1-AN pipeline near Jessieville, Arkansas (Incident).

Because the PHMSA Southwest Region and EGT continue to collaborate to discuss several issues and clarifications that require revision, and in order to preserve its rights, EGT is formally responding to the CAO with this letter and requesting a hearing pursuant to 49 C.F.R. § 190.233(b) and (c). Based on our ongoing discussions with the Region with respect to the CAO, EGT is hopeful that the parties can achieve resolution on these issues that addresses the Company's concerns in an Amended CAO. For that reason, EGT respectfully requests that PHMSA allow the Southwest Region and EGT sufficient time to address the Company's concerns and delay scheduling a hearing. In the interim, EGT is filing this Request for Hearing and Statement of Issues.

EGT fully expects that the parties will reach resolution on these issues. If and when an agreement is formalized, either this request for hearing will become moot and/or EGT will withdraw it. However, if agreement does not occur, EGT wishes to retain its right to a hearing.

Request for Hearing

In the event the parties are unable to informally reach a resolution, EGT is timely filing this Request for Hearing because certain provisions and statements contained in the CAO warrant modification and/or clarification based on factual inaccuracies, both the statutory and regulatory requirements for factors to be considered in issuing a CAO, and the scope of corrective actions. Modifications to the CAO are necessary to comply with applicable law and better guide both

PHMSA and EGT during implementation of the order, as well as to make a number of factual corrections. Accordingly, EGT intends to raise the following issues at the Hearing.

Statement of Issues

- 1. CAO Required Corrective Actions: Restart Plan, 3.h.; and Remedial Work Plan 8.e.v. (CAO, pp. 8, 10)** (BT-1 30-inch pipeline downstream of Jessieville Junction Station (from Jessieville Junction Station to Gate 88 Valve) should not be required to undergo additional hydrostatic testing per 3.h. and 8.e.v.)

The terms “*Affected Segments*” and “*Isolated Segments*” are defined in the CAO under **Required Corrective Actions, Definitions**, to include the “30-inch (BT-1)” “downstream of the Jessieville Junction Station (from Jessieville Junction Station to the Gate 88 Valve)”. As part of the defined terms “*Affected Segments*” and “*Isolated Segments*”, the BT-1 30-inch segment is included in the hydrostatic pressure testing requirement found in Restart Plan section 3.h. and in the Remedial Work Plan section 8.e.v. While EGT does not otherwise object to this segment being included in the definition of “*Affected Segments*” and “*Isolated Segments*” elsewhere in the CAO, it does believe that inclusion of the 30-inch BT-1 segment in the hydrostatic testing requirements identified above is overbroad.

2. Factual Corrections and Clarifications

There are several inaccurate factual references and other errors contained in the CAO which EGT requests be corrected or clarified, including the following:

No.	CAO Reference	EGT Correction/Clarification
1.	CAO Purpose and Background, paragraph 2, last sentence (CAO, p. 1)	“Respondent’s BT-1-AN 24-inch pipeline runs approximately 40–55 miles between the Dunn Compressor Station and Jessieville Junction Station.”
2.	CAO Purpose and Background, paragraph 3, last sentence (CAO, p. 2)	“Two occupants of a home approximately 1-mile-645 feet from the failure site were temporarily evacuated from the residence.”
3.	Preliminary Findings, bullet 7, first sentence (CAO, p. 3)	“Both BT-1-AN 24-inch and BT-1 16-inch pipelines were isolated from approximately 13 miles upstream (north of failure location) at Dry Fork Valve and 12–16 miles downstream (south of failure location) at Gate 88 Valve.”
4.	Preliminary Findings, bullet 10, second sentence (CAO, p. 3)	“Two occupants of a home approximately one-mile-645 feet from the failure location were temporarily evacuated from the residence.”
5.	Preliminary Findings, bullet 12, last sentence (CAO, p. 4)	“The discharge pressure at the Dunn Compressor Station is set at 780-980 psig.”
6.	Preliminary Findings, bullet 14, first sentence (CAO, p. 4)	“Respondent shut the downstream Gate 88 Valve, approximately 12–16 miles south of the Incident, at 5:31 p.m. CDT, and shut the upstream Dry Fork Valve, approximately 13 miles north of the Incident at 6:30 p.m. CDT.”
7.	Preliminary Findings, bullet 15, second sentence (CAO, p. 4)	“The coating type of the failed BT-1-AN pipeline segment is unknown-coal tar .”

No.	CAO Reference	EGT Correction/Clarification
8.	Preliminary Findings, bullet 16 (CAO, p. 4)	“The BT-1 pipeline <u>from Dunn Compressor Station to Jessieville</u> was constructed of 16-inch OD x 0.25-inch w.t., X-46 electric resistance welded (ERW) pipe constructed in 1984 1959. The coating type of the 16-inch BT-1 pipeline segment is unknown coal tar. The pipeline is cathodically protected.”
9.	Preliminary Findings, bullet 18, third sentence (CAO, p. 4)	“BT-1-AN runs from Dunn Compressor Station to Jessieville Junction Station for approximately 40 55 miles.”
10.	Preliminary Findings, bullet 20, (CAO, p. 5)	Clarification is needed regarding a visual inspection which purportedly resulted in an area measurement and remaining wall thickness measurement.
11.	Preliminary Findings, bullet 22, last sentence (CAO, p. 5)	“On November 24, 2014, Respondent’s Malvern AR-7 BT-1-AN 24-inch pipeline (1.25 miles north of the Incident) cracked-leaked due to near-neutral pH stress corrosion cracking.”
12.	Determination of Necessity for Corrective Action Order and Right to Hearing, paragraph 3, line 6 (CAO, p. 6)	“...launching equipment associated with BT-1 (16-inch), a prior failure leak on this pipeline (BT-1-AN) in...”
13.	Required Corrective Actions, 3. Restart Plan, subsection a. (CAO, p. 7)	Clarification is needed regarding incremental approvals of the restart plan and how this affects operation of the various segments.
14.	Required Corrective Actions, 9. Instrumented Leakage Survey (CAO, p. 11)	“Within 30 days of receipt of this Order, Respondent must perform an aerial or ground instrumented leakage survey of the <u>Affected Pipelines from Dunn Compressor Station to Dry Fork Valve</u> . <u>The Affected Pipelines Impacted Segments from Dry Fork Valve to Gate 88 Valve will be leak surveyed subsequent to approval and as a part of the implementation of the Restart Plan.</u> Affected Pipelines Respondent must investigate all leak indications and remedy all leaks discovered. Respondent must submit documentation of this survey to the Director within 45 days of receipt of this Order.”

Summary

EGT appreciates the Agency’s willingness to continue collaboration regarding these issues and believes that with additional time the parties can come to an agreement on relevant modifications and clarifications. The Company remains committed to ensuring the safe, reliable, and environmentally-sound operation of its pipeline system, and as such, EGT fully expects that resolution of the above issues will be reached with PHMSA without resort to a hearing.

However, in order to preserve its legal rights and to ensure that its requests for revision of the CAO can be further evaluated and discussed with the PHMSA Southwest Region, EGT is nevertheless timely requesting a hearing under 49 C.F.R. § 190.233(b) and (c) to allow time for the parties to come to an agreement on the issues or hold a hearing if agreement cannot be achieved. Pursuant to 49 C.F.R. §§ 190.233(c)(3) and 190.209, EGT requests a copy of the case file in this matter. In submitting this Request for Hearing and Statement of Issues, EGT is not admitting or denying the

factual and legal allegations set forth in the CAO or waiving any rights available to it. If the parties ultimately proceed to a hearing, EGT will be represented by in-house counsel and outside counsel.

EGT will continue to work collaboratively with the PHMSA Southwest Region. If you have any questions, please do not hesitate to contact me. Thank you for your consideration of this response and for your cooperation in response to these incidents.

Sincerely,



Susie Sjulín
Director – Regulatory Compliance
Energy Transfer

cc: Linda Daugherty, Deputy Associate Administrator for Field Operations, PHMSA
Bryan Lethcoe, Director, Southwest Region, PHMSA
Greg McIlwain, EVP – Operations, ET
Eric Amundsen, SVP - Operations, ET
Jennifer Street, SVP – Operations Services, ET
Joe Perez, VP - Operations, ET
Leif Jensen, VP - Technical Services, ET
Todd Nardoizzi, Director - Regulatory Compliance, ET
Heid Murchison, Chief Counsel – Legal, ET