January 26, 2024

<u>VIA ELECTRONIC MAIL TO: gbacon@eprod.com</u>

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

Re: CPF No. 4-2023-045-NOPV

Dear Mr. Bacon:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and finds that Enterprise Products Operating, LLC, has completed the actions specified in the Notice to comply with the pipeline safety regulations. Therefore, this case is now 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
Ms. Suzie Davis, Senior Manager, Pipeline Compliance, Enterprise Products Operating, LLC, smdavis@eprod.com
Mr. Nhan Truong, Senior Manager, Pipeline Compliance, Enterprise Products Operating, LLC, nvtruong@eprod.com

<u>CONFIRMATION OF RECEIPT REQUESTED</u>

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590

In the Matter of	)	
Enterprise Products Operating, LLC,	)	**CPF No. 4-2023-045-NOPV**
Respondent.	)	

FINAL ORDER

From February 2 through September 6, 2022, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of Enterprise Products Operating, LLC (Enterprise or Respondent) in Houston, Mont Belvieu, and Skellytown, Texas. The facilities and records inspected were part of the Texas Express Pipeline. Texas Express Pipeline is a joint venture with Enbridge Energy Partners, Anadarko Petroleum Corp., DCP Midstream, and Enterprise Products Partners, and is an approximately 593-mile pipeline and affiliated NGL gathering system.

As a result of the inspection, the Director, Southwest Region, OPS (Director), issued to Respondent, by letter dated May 11, 2023, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Enterprise had committed one violation of 49 C.F.R. Part 195 and proposed ordering Respondent to take certain measures to correct the alleged violation. The Notice also included an additional warning item pursuant to 49 C.F.R. § 190.205, which warned the operator to correct the probable violation or face possible future enforcement action.

Enterprise responded to the Notice by letter dated June 9, 2023 (Response). Enterprise contested the allegation and offered additional information in response to the Notice. Respondent did not request a hearing and therefore has waived its right to one.

FINDING OF VIOLATION

The Notice alleged that Respondent violated 49 C.F.R. Part 195, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 195.406(b), which states:

> **§ 195.406 Maximum operating pressure.**

> (a) . . . .
> (b) No operator may permit the pressure in a pipeline during surges or other variations from normal operations to exceed 110 percent of the operating pressure limit established under paragraph (a) of this section. Each operator must provide adequate controls and protective equipment to control the pressure within this limit.

The Notice alleged that Respondent violated 49 C.F.R. § 195.406(b) by failing to provide adequate controls and protective equipment to control the pressure of the pipeline within 110 percent of the operating limit. Specifically, the Notice alleged that Enterprise established shutdown limits at 115 percent of the operating pressure limit, rather than 110 percent, at its Memphis, Archer City, and Reliance pump stations.

In its Response, Enterprise contested this allegation of violation by stating that the Moore relay shutdown systems "were intended to provide overpressure protection for the pumps, not the pipelines," and therefore were initially installed at 115 percent of the maximum operating pressure (MOP).[1] After issuance of the Notice, Enterprise adjusted the Enterprise Moore relay shutdown systems to 110 percent of the MOP.[2] Enterprise stated its "high pressure shut down settings … at the six new Texas Express Pipeline pump stations are, and have always been, set at less than 110 percent of the [MOP.]"[3] With its Response, Respondent provided a piping and instrumentation diagram for Memphis Pump Station Mainline Pump PU-1021 as a representative example of the facilities in question.

A pipeline may not be operated at a pressure exceeding MOP pursuant to § 195.406(a), except for surge pressures and other variations from normal operations. During surges and other variations, § 195.406(b) prohibits pipeline pressure above 110 percent of the established operating limit and requires each operator to provide adequate controls and protective equipment to control the pressure in a pipeline within this limit. "Pipeline," pursuant to § 195.2, is defined as "all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including…*pumping units*" (emphasis added). Therefore, because pumping units are included in Part 195's definition of "pipeline," the requirement to have controls and protective equipment to control pressure within 110 percent of the MOP applied to the Moore relay shutdown systems that were intended to protect the pumps from overpressure. Consequently, Enterprise was in violation of that requirement when it established the shutdown pressure limit at 115 percent of the MOP at its Memphis, Archer City, and Reliance pump stations.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 C.F.R. § 195.406(b) by failing to provide adequate controls to control the pressure of the pipeline within 110 percent of the operating limit.
This finding of violation will be considered a prior offense in any subsequent enforcement action

[1] Response to PHMSA CPF No. 4-2023-045-NOPV, dated June 9, 2023, on file with PHMSA, at 2.

[2] *Id*.

[3] *Id.*

taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Item 1 in the Notice for a violation of 49 C.F.R. § 195.406(b). 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. In a Region Recommendation dated September 28, 2023, the Director indicated that Respondent has taken the following actions specified in the proposed compliance order:

1. With respect to the violation of § 195.406(b) (**Item 1**), Respondent has adjusted the Enterprise Moore relay shutdown systems to 110 percent of the MOP.

Accordingly, I find that compliance has been achieved with respect to this violation. Therefore, the compliance terms proposed in the Notice are not included in this Order.

WARNING ITEM

With respect to Item 2, the Notice alleged a probable violation of Part 195, but identified it as a warning item pursuant to § 190.205. The warning was for:

> 49 C.F.R. § 195.52(a)(2) and (a)(3) **(Item 2) ─** Respondent's alleged failure to notify the National Response Center within one hour following a confirmed discovery of a release of two reportable accidents on July 18, 2019, and May 24, 2022.

Enterprise presented information in its Response arguing that it provided notification to National Response Center of the May 24, 2022, incident within one hour of confirmed discovery. Under § 190.205, PHMSA does not adjudicate warning items to determine whether a probable violation occurred. If OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

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.

January 26, 2024

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Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued