



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

October 17, 2024

VIA ELECTRONIC MAIL TO: tom.long@energytransfer.com

Thomas Long
Chief Executive Officer
Energy Transfer LP
8111 Westchester Drive
Dallas, Texas 75225

Re: CPF 4-2023-047 NOPV

Dear Mr. Long:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and finds that Enable Gas Transmission, LLC, a subsidiary of Energy Transfer LP, 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 KRAMER
MAYBERRY

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Date: 2024.10.17
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Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosure (Final Order)

cc: Mr. Bryan Lethcoe, Director, Southwest Region, Office of Pipeline Safety, PHMSA
Mr. Greg McIlwain, Executive Vice President of Operations, Energy Transfer, LP,
gregory.mcilwain@energytransfer.com
Mr. Eric Amundsen, Senior Vice President of Operations, Energy Transfer, LP,
eric.amundsen@energytransfer.com

Mr. Todd Stamm, Senior Vice President of Operations, Energy Transfer, LP,
todd.stamm@energytransfer.com
Ms. Jennifer Street, Senior Vice President of Operations Services, Energy Transfer, LP,
jennifer.street@energytransfer.com
Mr. Keegan Pieper, Associate General Counsel, Energy Transfer, LP,
keegan.pieper@energytransfer.com
Mr. Matthew Stork, Vice President of Technical Services, Energy Transfer, LP,
matthew.stork@energytransfer.com
Mr. Todd Nardoizzi, Director, Regulatory Compliance, Energy Transfer, LP,
todd.nardoizzi@energytransfer.com
Ms. Susie Sjulín, Director, Regulatory Compliance, Energy Transfer, LP,
susie.sjulin@energytransfer.com
Mr. Jimmy Cross, Senior Manager, DOT Compliance, Energy Transfer, LP,
jimmy.cross@energytransfer.com

CONFIRMATION OF RECEIPT REQUESTED

§ 192.605 Procedural manual for operations, maintenance, and emergencies.

(a) *General.* Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

The Notice alleged that Enable violated § 192.605(a) by failing to follow its manual of written procedures for conducting operations and maintenance activities and for emergency response. Specifically, the Notice alleged that Enable failed to follow sections 3 and 3.1 of *Energy Transfer's Pipeline Integrity Management Plan: 192.710 ETC Gas Plan (Rev. 3; Apr. 15, 2022)* which requires Enable to identify Moderate Consequence Areas (MCAs) and other pipe segments subject to § 192.710. The Notice alleged that there were four instances where Respondent failed to identify MCAs or correctly categorize them in Enable's Long Term Assessment Plan (LTAP) and Keyhole Markup Language, Zipped (KMZ) files for Enable's systems.¹

The Notice alleged that at two locations Enable failed to identify an MCA where a roadway was within a Potential Impact Radius (PIR). First, Pipeline OM-1, a 20-inch natural gas transmission pipeline, has a PIR that contains an intersected roadway, but this was not labeled as an MCA by Enable (Instance 1). Second, the Notice alleged that Pipeline Line B, a 10-inch natural gas transmission pipeline, is in a Class 3 location that parallels a roadway within the PIR of the pipeline (Instance 2). The Notice alleged that this was also not labeled as an MCA.

The Notice also alleged that at two other locations Enable failed to identify an MCA where structures were within a PIR. First, the Notice alleged that a previously identified MCA for Pipeline JM-30, a 10-inch natural gas transmission pipeline near Vilonia, Arkansas, was not accurate because the MCA did not extend far enough to encompass all the required structures (Instance 3). Finally, the Notice alleged that Pipeline JM-8, a 6-inch natural gas transmission pipeline in a Class 3 location in Searcy, Arkansas, has five or more structures intended for human occupancy within the PIR, but this was not labeled as an MCA (Instance 4).

In its Response, Enable did not contest Instance 1 and Instance 3, contested Instance 2 and Instance 4, and provided additional information for all four instances. Enable contested Instance 2, stating that it had determined through the GIS & Operations Collaborative Review phase of the Class, High Consequence Area (HCA) and MCA Management of Change (MOC) process, that the section of Line B referenced in the Notice was abandoned in 2020, and that Respondent then completed the required form to update the data to reflect the accurate system. Enable

¹ See, 49 C.F.R. § 192.710.

provided documentation to this effect.² In a written evaluation of the Response and recommendation for final action submitted by the Director pursuant to § 190.209(b)(7), the Director agreed that Line B was abandoned in 2020, despite Enable being unable to provide these records at the time of the inspection. Accordingly, the Director recommended the withdrawal of Instance 2 of the alleged violation.

Enable also contested Instance 4, stating that the identified area had been correctly identified as an MCA on May 28, 2020, and that was indicated as such at the same stationing in the historical database. Enable provided the MCA Map and historical data for Line JM-8 in its Response³ and stated that there have been no changes to the HCA or MCA in that area. In a written evaluation of the Response, the Director stated it had been determined that the correct MCA and HCA were present at time of inspection, but for unknown reasons, were not visible on the files provided by Respondent during the inspection. Accordingly, the Director recommended the withdrawal of Instance 4.

Having reviewed the record, I find that Respondent failed to follow its manual of written procedures as alleged in Instance 1 and Instance 3, where Enable failed to correctly identify MCAs for Pipeline OM-1 and Pipeline JM-30. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.605(a). For the reasons stated above, I withdraw the probable violations alleged in Instance 2 and Instance 4.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Item 1 in the Notice for violations of 49 C.F.R. § 192.605(a). Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. The Director indicates that Respondent has taken the following actions specified in the proposed compliance order:

1. With respect to the violation of § 192.605(a) (**Item 1**), Respondent has submitted documentation demonstrating that it reviewed its processes, training, and methods of communication between work groups that are associated with the identification of MCAs to determine how its existing structure and roadway MCAs were not previously identified and submitted a LTAP to the Director, Southwest Region.

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.

² Response, Exhibit 2, Exhibit 3.

³ Response, Exhibit 5, Exhibit 6.

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.

ALAN KRAMER
MAYBERRY

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Alan K. Mayberry
Associate Administrator
for Pipeline Safety

October 17, 2024

Date Issued