



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

8701 S. Gessner, Suite 630
Houston, TX 77074

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

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

October 18, 2023

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

CPF 4-2023-047-NOPV

Dear Mr. Long:

From September 19, 2022, to January 12, 2023, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected Enable Gas Transmission, LLC (Enable) and Enable Mississippi River Transmission, LLC (EMRT) in Oklahoma City, OK.

As a result of the inspection, it is alleged that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item inspected and the probable violation is:

1. § 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.

§ 192.710 Transmission lines: Assessments outside of high consequence areas.

(a) Applicability: This section applies to onshore steel transmission pipeline segments with a maximum allowable operating pressure of greater than or equal to 30% of the specified minimum yield strength and are located in:

- (1) A Class 3 or Class 4 location; or**
- (2) A moderate consequence area as defined in § 192.3, if the pipeline segment can accommodate inspection by means of an instrumented inline inspection tool (i.e., “smart pig”).**
- (3) This section does not apply to a pipeline segment located in a high consequence area as defined in § 192.903.**

Enable failed to follow its manual of written procedures for conducting operations and maintenance activities and for emergency response in accordance with § 192.605(a). Specifically, 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)*,¹ which required identification of Moderate Consequence Areas (MCAs) and other pipe segments subject to § 192.710.

At multiple locations, roadway and structure MCAs, as defined in § 192.3, were not identified, or were miss-identified within Enable’s Long Term Assessment Plan (LTAP) and Keyhole Markup Language, Zipped (KMZ) files for the provided systems.

At two locations Enable failed to identify a roadway that was within one of its pipeline’s Potential Impact Radius (PIR) as an MCA.

¹ Enable used the procedures of its parent company, Energy Transfer. Starting in July 2022, Enable detailed their approach to identifying and assessing MCAs in Sections 3 and 3.1 of *Energy Transfer’s Pipeline Integrity Management Plan: 192.710 ETC Gas Plan (Rev. 3; Apr. 15, 2022)*.¹ Prior to July 2022, Enable used Section 4 of *Enable’s Integrity Management Program: Moderate Consequence Areas Identification PS-202 (Ver. 2; Sept. 1 2020)*.

- 1) Pipeline OM-1 is a 20-inch natural gas transmission pipeline that meets the requirements of § 192.710(a)(2). The pipeline goes under a roadway, labeled on mapping as US 549 HWY and Interstate 49, Northwest of Bentonville, AR. The intersected roadway is within the PIR of the pipeline, labeled as a Principle Arterial Roadway (PAR), and was not labeled as an MCA by Enable. Digital imagery confirmed the roadway met the definition of MCA (§ 192.3(1)(ii)).
- 2) Pipeline Line B is a 10-inch natural gas transmission pipeline that meets the requirements of § 192.710(a)(1). The line is located in a Class 3 location. The pipeline parallels and intersects a roadway, labeled on mapping as Interstate 40 in Mayflower, AR. The portion of the roadway that parallels the pipeline is within the PIR of the pipeline, labeled as a PAR, and was not labeled as an MCA by Enable. Digital imagery confirmed the roadway met the definition of MCA (§ 192.3(1)(ii)). This MCA must be identified for the annual and incident reporting requirements.

At two locations Enable failed to identify structures that were within the PIR as an MCA.

- 1) Pipeline JM-30 is a 10-inch natural gas transmission pipeline that meets the requirements of § 192.710(a)(2). The pipeline is south of Vilonia, AR, has 5 or more structures intended for human occupancy, and was not correctly labeled as an MCA. The existing MCA does not extend far enough south to capture all the structures meeting the definition of MCA (§ 192.3(1)(i)).
- 2) Pipeline JM-8 is a 6-inch natural gas transmission pipeline that meets the requirements of § 192.710(a)(1). The line is located in a Class 3 location. The pipeline is in Searcy, AR, has 5 or more structures intended for human occupancy, and was not labeled as an MCA by the operator at time of inspection. The existing High Consequence Area (HCA) to the south does not capture all the structures at location that create an MCA or HCA. Digital imagery confirmed the structure count met the definition of MCA (§ 192.3(1)(i)). This MCA must be identified for the annual and incident reporting requirements.

Therefore, Enable failed to follow its manual of written procedures for conducting operations and maintenance activities and for emergency response in accordance with § 192.605(a).

Proposed Compliance Order

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

Response to this Notice

This amended Notice is issued in accordance with 49 C.F.R. § 190.207(c). Any response you may have submitted to the original Notice is no longer applicable. You must respond as set forth below.

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. All material you submit in response to this enforcement action may be 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 your receipt of this Notice, you have 30 days to respond as described in the enclosed *Response Options*. 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. The Region Director may extend the period for responding upon a written request timely submitted demonstrating good cause for an extension.

In your correspondence on this matter, please refer to CPF 4-2023-047-NOPV 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

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

cc: Mr. Greg McIlwain, Executive Vice President of Operations, Energy Transfer, LP,
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PROPOSED COMPLIANCE ORDER

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Enable Gas Transmission, LLC (Enable) a Compliance Order incorporating the following remedial requirements to ensure the compliance with the pipeline safety regulations:

- A. In regard to Item 1 of the Notice pertaining to follow its manual of written procedures for conducting operations and maintenance activities and for emergency response in accordance with § 192.605(a), Enable must review all processes, training, and methods of communication between work groups that are associated with the identification of Moderate Consequence Areas (MCAs) to determine how existing structure and roadway MCAs were not previously identified and provide documentation of the review to the Director, Southwest Region within **90** days of issuance of the Final Order. Once this review is complete, Enable must ensure all MCAs and other pipe segments subject to § 192.710 are identified in its Long-Term Assessment Plan (LTAP) and submit the updated LTAP to the Director, Southwest Region within **90** days of issuance of the Final Order.
- B. It is requested (not mandated) that Enable Gas Transmission, LLC maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Bryan Lethcoe, Director, Southwest Region, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.