



Summit Midstream Permian 2, LLC

910 Louisiana St, Ste 4200
Houston, TX 77002

December 17, 2024

Bryan Lethcoe
Director, Southwest Region, Office of Pipeline Safety
Pipeline and Hazardous Safety Materials Administration
8701 S. Gessner, Suite 630
Houston, Texas 77074

Re: Response to CPF 4-2024-020-NOPV– Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order

Dear Mr. Lethcoe:

Summit Midstream Permian 2, LLC (hereinafter Summit or Company) submits this response to your Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order (NOPV) dated November 19, 2024, including the submission of copies of the amended sections of its procedures. The Company acknowledges your letter dated November 19, 2024, and respectfully requests that the Pipeline and Hazardous Safety Administration (PHMSA) review the following and close this NOPV based on this response. For the purpose of clarity, Summit presents PHMSA's NOPV language in **italicized bold font**, with Summit response found in regular font below.

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

1. § 192.303 Compliance with specifications or standards.

Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

Summit failed to construct its Double E pipeline system in accordance with comprehensive written specifications or standards consistent with Part 192 in accordance with § 192.303. Specifically, Summit failed to follow its written specification, Double E Pipeline Project Hydrostatic Test Plan, 6885.01-PL-PLN-0003 (Rev D, 6/10/2021) which specifies test equipment shall be rated for a specified range of accuracy.

On October 5, 2021, PHMSA's inspection of construction records indicated that the dead weight testers, pressure records and temperature recorders used during the hydrotest of test sections 1, 2, 3, 4, 6 and 7 were not calibrated according to the requirements of Summit's written procedures as shown below:



<i>Equipment type</i>	<i>Accuracy range per specification</i>	<i>Accuracy range per specification</i>
<i>Dead Weight Testers</i>	<i>+/- 0.05%</i>	<i>+/- 0.10%</i>
<i>Pressure Recorders</i>	<i>+/- 0.05%</i>	<i>+/- 0.10%</i>
<i>Temperature Recorders</i>	<i>+/- 0.05%</i>	<i>+/- 0.10%</i>

2. § 192.303 Compliance with specifications or standards

When PHMSA raised this issue, Summit modified its procedure to allow for less accurate calibration on November 8, 2021, after the hydrostatic testing had already been completed. The calibration procedures in place at the time of the testing were not followed.

Therefore, Summit failed to construct its Double E pipeline project in accordance with comprehensive written specifications or standards that are consistent with the requirements of Part 192 in accordance with § 192.303.

In reviewing the NOPV, PHMSA regulations, previous PHMSA enforcement actions, and Summit's Hydrotest Plan¹ (hereinafter the Plan), the Company acknowledges that there were opportunities for improvement with the Plan, and the Company appreciates PHMSA's feedback. However, the Company notes the following.

Summit Response to Item Number 1:

The NOPV alleges that Summit did not construct its pipeline system in accordance with comprehensive specifications or standards consistent with Part 192 in accordance with § 192.303, which requires that pipeline operators constructing pipelines develop written procedures and specifications that demonstrate compliance with Part 192. PHMSA's specific concern was that Summit did not follow its written specification established in the Plan, which specified test equipment ranges of accuracy. Summit agreed that records indicated an inconsistency with the Plan, and its standards were updated² and submitted to your office. However, Summit submits that this calibration accuracy did not provide a material difference in the pressure test. Also note that § 192 Subpart J, *Test Requirements*, does not establish specific calibration requirements. In fact, calibration is not mentioned under this Subpart. Therefore, there was no violation of the test requirements of Part 192.

Summit also notes that pipeline operators are permitted to deviate from its processes if such deviations still comply with minimum pipeline safety regulatory requirements and company representatives approve the exception. Given that this issue has been corrected and there was no material safety impact associated with this issue, and testing was consistent with § 192 Subpart J, *Test Requirements*, Summit respectfully requests this issue be closed.

¹ *Double E Pipeline Project Hydrostatic Test Plan, 6885.01-PL-PLN-0003 (Rev 06/10/2021) and Exhibit D – Pre-Construction Hydrotest Plan (Prepared by PUMPCO)).*

² *Double E Pipeline Project Hydrostatic Test Plan, 6885.01-PL-PLN-0003 (Rev G, 11/08/2021).*



Summit Response to Item Number 2:

NOPV Item 2 also alleges that Summit did not construct its pipeline system in accordance with comprehensive specifications or standards consistent with Part 192 in accordance with § 192.303. For this issue, PHMSA was concerned that equipment used had different serial numbers than those listed in the Plan. During a subsequent investigation, it was found that while there were discrepancies in the equipment specified in the Plan and the actual pressure recorders used, all of the equipment used was calibrated. As you are aware, the Plan was updated and submitted to your office.³

While Summit appreciates the concern and the apparent discrepancy in equipment, Summit submits that this issue did not provide a material safety impact to its Double E pipeline project, and its procedure has been amended. As with Item 1, Summit submits that there was no compliance issue with the testing requirements of § 192 Subpart J, *Test Requirements*, there was no material safety impact, and the list of equipment was updated. Therefore, Summit respectfully requests that this issue be closed.

Summit notes that these issues present no material pipeline safety issue and appear to be in line with enforcement action under §192.206, *Amendment of plans or procedures*. As previously stated, Summit has corrected the issues associated with your October 2021 inspection (Refer to Attachment 1, *Hydrotest Plan*) and respectfully requests consideration of its responses. [Finally, Summit also notes that challenges and complexities associated with the COVID 19 pandemic during the time of this project and inspection be considered. Summit appreciates PHMSA's feedback and partnership, and respectfully requests that this NOPV be closed.

Please contact the following Compliance representative should you wish to discuss the information provided.

Robert Hurt – Lead Specialist Pipeline Compliance
Robert.Hurt@summitmidstream.com

Sincerely,

Hugo Guerrero
Senior Vice President – Operations
Summit Midstream Permian 2, LLC

cc: Attachment 1:



1. *Double E Pipeline Project Hydrostatic Test Plan, 6885.01-PL-PLN-0003 (Rev 06/10/2021) and Exhibit D – Pre-Construction Hydrotest Plan (Prepared by PUMPCO)).*
2. *Double E Pipeline Project Hydrostatic Test Plan, 6885.01-PL-PLN-0003 (Rev G, 11/08/2021)*