

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

**VIA ELECTRONIC MAIL TO: Michael.Koby@Enbridge.com;
David.Stafford@Enbridge.com; Bradley.Salo@Enbridge.com**

February 13, 2024

Mr. Michael Koby
Vice President, US Operations
Enbridge Pipelines (Southern Lights), L.L.C.
915 N Eldridge Parkway,
Suite 1100, Houston, TX 77079

CPF 3-2024-016-NOPV

Dear Mr. Koby:

From February 14 to July 27, 2023, a representative 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 Enbridge Pipelines (Southern Lights), L.L.C.'s ("Enbridge") Line 13 Manhattan Terminal near Manhattan, Illinois.

As a result of the inspection, it is alleged that Enbridge has 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. § 195.426 Scraper and sphere facilities.
No operator may use a launcher or receiver that is not equipped with a relief device capable of safely relieving pressure in the barrel before insertion or removal of scrapers or spheres. The operator must use a suitable device to indicate that pressure has been relieved in the barrel or must provide a means to prevent insertion or removal of scrapers or spheres if pressure has not been relieved in the barrel.**

At the time of the field inspection, the lead PHMSA inspector observed that Enbridge's launcher at the Line 13 Southern Lights Manhattan Terminal was equipped with a relief device that was not capable of safely relieving pressure in the barrel before insertion or removal of scrapers or spheres

in-service. In failing to maintain the safety relief device in a functional manner, the operator failed to comply with § 195.426.

Proposed Civil Penalty

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to propose a civil penalty assessment at this time.

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

Response to this Notice

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 3-2024-016-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Gregory A. Ochs
Director, Central Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration

cc: David Stafford (David.Stafford@Enbridge.com)
Bradley Salo (Bradley.Salo@Enbridge.com)

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

PROPOSED COMPLIANCE ORDER

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

- A. In regard to Item 1 of the Notice pertaining to Enbridge's failure to use a launcher or receiver that is equipped with a relief device capable of safely relieving pressure in the barrel before insertion or removal of scrapers or spheres, Enbridge must train their field personnel in proper use of relief devices associated with launcher and receivers and 49 C.F.R. § 195.426 and then provide documentation of this training to Central Region Director, Gregory A. Ochs, within **180** days of receipt of the Final Order.

It is requested that Enbridge maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Gregory A. Ochs, Director, Central Region, 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.