



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAR 29 2005

Mr. Dan C. Tutchter
President
Enbridge (U.S.), Inc.
1100 Louisiana, Suite 2950
Houston, TX 77002-7002

Re: CPF No. 3-2004-1001

Dear Mr. Tutchter:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violation and assesses a civil penalty for those violations. I acknowledge your wire transfer dated March 11, 2004, for \$83,750 as payment in full of the civil penalty assessed in the Final Order.

This case is now closed and no further enforcement action is contemplated with respect to the matters in this case. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

James Reynolds
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, DC 20590

In the Matter of

Enbridge (U.S.), Inc.

Respondent

CPF No. 3-2004-1001

FINAL ORDER

On January 28, 2004, in accordance with 49 C.F.R. § 190.207, the Director, Central Region, Office of Pipeline Safety (OPS), issued to Respondent a Notice of Probable Violation and Proposed Civil Penalty (Notice). The Notice proposed finding that Respondent had committed violations of 49 C.F.R. Part 192 and proposed assessing a civil penalty of \$83,750 for the alleged violations. Respondent did not contest the allegations or the amount of the proposed civil penalty and submitted a wire transfer in the amount of the proposed civil penalty (\$83,750), waiving further right to respond and authorizing the entry of this Final Order.

Pursuant to § 190.209(a)(1) and 49 U.S.C. § 60122, I find that Respondent violated the following sections of 49 C.F.R. Part 192 as more fully described in the Notice:

49 C.F.R. §§ 192.463(a) and 192.465(d) – failing to take prompt remedial action to correct corrosion control deficiencies;

49 C.F.R. § 192.465(a) – failing to conduct cathodic protection testing on main lines P-50 and P-100 at location numbers 239.932 and 82.733 during certain periods;

49 C.F.R. § 192.473(a) – failing to ensure that the detrimental effects of interference currents were minimized;

49 C.F.R. § 192.491(c) – failing to maintain records of pipe-to-soil test results at numerous locations during certain periods;

49 C.F.R. § 192.609 – failing to conduct a class location study and confirm or revise maximum allowable operating pressure; and

49 C.F.R. § 192.707(a) and (c) – failing to place line markers as required to identify the location of buried pipelines at numerous locations.

These findings of violation will be considered prior offenses in any subsequent enforcement action against Respondent. Having reviewed the record and considered the assessment criteria, I assess the civil penalty of \$83,750 already paid by Respondent.

The Notice did not propose a civil penalty or corrective action for Item 6 in the Notice, failure to post warning signs to minimize the risk of accidental ignition in accordance with § 192.751(c). Therefore, this is considered a warning item. Respondent is warned that if it does not take appropriate action to correct this item, enforcement action will be taken if a subsequent inspection reveals a violation.

The terms and conditions of this Final Order are effective on receipt.



for
Stacey Gerard
Associate Administrator
for Pipeline Safety

MAY 29 2018

Date Issued