

**WARNING LETTER**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

January 12, 2010

Mr. Terry Hurlburt  
Sr. Vice President of Operations  
Enterprise Products Operating LLC  
1100 Louisiana Street  
Houston, TX 77002

**CPF 2-2010-5001W**

Dear Mr. Hurlburt:

On June 15-17, 2009, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code, conducted an onsite pipeline safety inspection of your Chunchula Pipeline facilities in Alabama and Mississippi and records at your Chunchula, Alabama office.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations, Part 195. The items inspected and the probable violations are:

**§195.440 Public awareness.**

**(a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see §195.3).**

**(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.**

**(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.**

The Chunchula Pipeline transports a highly volatile liquid (HVL) product, making the hazards associated with this pipeline significantly different than the hazards associated with a natural gas transmission pipeline or a pipeline transporting a non HVL hazardous liquid. The brochure that is being mailed to members of the Affected Public along the Chunchula Pipeline right-of-way is of a very general nature. This brochure contains some very good pipeline safety information. This brochure is applicable to a variety of pipelines, including natural gas transmission and non HVL pipelines but this brochure does not contain information describing the unique attributes and characteristics of an HVL pipeline. There is nothing in the brochure that would alert the reader that the Chunchula Pipeline is an HVL pipeline and that it has hazardous associated with it that are very different than those of a natural gas transmission pipeline or a non HVL pipeline.

API RP1162 requires the baseline message to the Affected Public to contain information on the location of the pipeline. The Affected Public brochure contains some good general information on pipeline markers and the national pipeline mapping system (NPMS) but it does not contain any information on the location of the Chunchula Pipeline.

§195.440(c) requires the operator's public awareness program to implement the baseline and supplemental requirements of API RP1162. Your program has implemented the supplemental enhancement of increasing the coverage area for HVL pipelines, which we feel is a good practice. The Chunchula Pipeline follows a route through mainly rural areas of relatively low population density, however it does go through some areas of higher population density such as a residential neighborhood in Petal, MS. The pipeline runs directly through the front yards and fairly close to the houses in this neighborhood. In residential neighborhoods such as the one in Petal, MS you should consider additional enhancements such as personal contact or enhanced message content to assure that the residents understand the hazards associated with an HVL pipeline.

**§195.403 Emergency response training.**

**(a) Each operator shall establish and conduct a continuing training program to instruct emergency response personnel to:**

**(1) Carry out the emergency procedures established under §195.402 that relate to their assignments;**

Your Operations & Maintenance Manual indicates that there is a web based training program and that all operations and maintenance personnel are required to take courses related to the hazards of liquids and gases and the recognition and response to emergencies. The operations personnel at your Chunchula Pipeline office had no records of any web based emergency response training or any other type of emergency response training such as emergency drills or exercises.

The operations personnel indicated that Enterprise has an Emergency Response Team that would be available in the event of an emergency. The local operations and maintenance personnel for the Chunchula Pipeline would likely be the first personnel available in the event of an emergency and need to be trained to respond prior to the arrival of the Enterprise Emergency Response Team.

Under 49 United States Code, §60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violations persists up to a maximum of \$1,000,000 for any related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the items identified in this letter. Failure to do so will result in Enterprise Products Operating LLC being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 2-2010-5001W**. Be advised that all material you submit in response to this enforcement action is subject to being 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).

Sincerely,

Linda Daugherty  
Director, Southern Region  
Pipeline and Hazardous Materials Safety Administration