



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 South Gessner, Suite 1110
Houston, TX 77074

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 19, 2008

Mr. Terry Hurlburt
Sr. Vice President of Operations
Enterprise Products Operating LP
2727 N. Loop West
Houston, TX 77210

CPF 4-2008-5025W

Dear Mr. Hurlburt:

During the week of July 14-18, 2008, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the Enterprise Products Operating LP, Hobbs East and West units. Records were reviewed in the Hobbs, New Mexico office and then a field review was conducted for the two units.

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

1. **§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;**
 - (2) **Know the characteristics and hazards of the hazardous liquids or carbon dioxide transported, including, in case of flammable HVL, flammability of mixtures with air, odorless vapors, and water reactions;**
 - (3) **Recognize conditions that are likely to cause emergencies, predict the consequences of facility malfunctions or failures and hazardous liquids or carbon dioxide spills, and take appropriate corrective action;**

- (4) Take steps necessary to control any accidental release of hazardous liquid or carbon dioxide and to minimize the potential for fire, explosion, toxicity, or environmental damage; and
 - (5) Learn the potential causes, types, sizes, and consequences of fire and the appropriate use of portable fire extinguishers and other on-site fire control equipment, involving, where feasible, a simulated pipeline emergency condition.
- (b) At the intervals not exceeding 15 months, but at least once each calendar year, each operator shall:
- (1) Review with personnel their performance in meeting the objectives of the emergency response training program set forth in paragraph (a) of this section; and
 - (2) Make appropriate changes to the emergency response training program as necessary to ensure that it is effective.
 - (c) Each operator shall require and verify that its supervisors maintain a thorough knowledge of that portion of the emergency response procedures established under 195.402 for which they are responsible to ensure compliance.

Individual records indicated that personnel's performance was not reviewed annually as required in (b)(1) for employees at these locations.

Copies of four employees records were furnished for review during the inspection and all were missing an annual review in 2007. Training was performed annually as required but review was not performed until January 2008. (i.e.: 2006 training-2006 review; 2007 training-2008 review). Since Enterprises' Hobbs East and West Units are managed from the Hobbs, NM office, both units missed the annual training review requirement.

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 violation 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 item identified in this letter. Failure to do so will result in Enterprise Products Operating LP 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 4-2008-5025W**. 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,



R. M. Seeley
Director, Southwest Region
Pipeline and Hazardous
Materials Safety Administration