

U.S. Department of Labor
Occupational Safety and Health Administration
Houston South Area Office
17625 El Camino Real, Suite 400
Houston, TX 77058
Phone: (281)286-0583 FAX: (281)286-6352



Citation and Notification of Penalty

To:
Enterprise Products-Mont Belvieu West Facility

and its successors
P.O. Box 573
Mont Belvieu, TX 77580

Inspection Site:
10207 FM 1942
Mont Belvieu, TX 77580

Inspection Number: 312926546
Inspection Date(s): 02/08/2011 - 08/05/2011

Issuance Date: 08/05/2011

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. (Please see attached "**Corrective Action Verification.**")

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Corrective Action Verification

Dear Sir:

OSHA's inspections are intended to result in the abatement/correction of violations of the OSHA Act. To verify that this has been accomplished, Section 1903.19 requires that an employer certify to OSHA, within ten (10) days of the final abatement date that each item cited has been corrected.

This abatement certification letter must include the following:

Name of Employer

OSHA Inspection Number

Citation and Item Numbers to which the submission relates

The date each item was abated, specific action taken to abate each violation and appropriate documentation for the action taken. Where appropriate, this documentation should include photographs, work orders, purchase orders, personal protective equipment provided, standard operation procedures, copies of written programs, engineering controls, monitoring data, etc. Adequate supporting documentation may allow us to close the case file. **The lack of adequate documentation could result in a follow-up inspection.**

A statement that affected employees and their representatives have been informed of the abatement actions

A statement that the information submitted is accurate

The signature of the employer or the employer's authorized representative.

Following is a sample format that may be used for this submittal:

Name of Employer _____

<u>Citation Number</u>	<u>Item No. Instance No.</u>	<u>Date Item Abated</u>	<u>Corrective Action Taken</u>
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Date this letter of submission posted _____

I certify that the information submitted is correct.

Employer or Authorized Representative



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on _____ 08/05/2011. The conference will be held at the OSHA office located at Houston South Area Office, 17625 El Camino Real, Suite 400, Houston, TX, 77058 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Enterprise Products-Mont Belvieu West Facility
Inspection Site: 10207 FM 1942, Mont Belvieu, TX 77580

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.119(d): The employer did not develop a written compilation of process safety information on hazardous chemicals in the process, the technology of the process, and the equipment in the process before conducting the process hazard analysis:

This violation occurred on or about February 9, 2011 at the West Storage Facility of Enterprise Products site in Mont Belvieu, TX, when the employer failed to document and maintain elements of process safety information (PSI) for the West Storage Facility piping and header manifold. Such as but not limited to:

- a) P&IDs that reflect the routing of the underground piping in the West Storage facility were not developed and included in the PSI for the West Storage facility
- b) Isometric documents that reflect the routing of the underground piping in the header manifold were not developed and included in the PSI for the West Storage facility
- c) Piping specifications for the West Storage Facility reflect contradicting detail with respect to the materials of construction of the piping of the header manifold

Date By Which Violation Must be Abated: 09/21/2011
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: Enterprise Products-Mont Belvieu West Facility
Inspection Site: 10207 FM 1942, Mont Belvieu, TX 77580

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.119(j)(2): The employer did not establish and implement written procedures to maintain the on-going mechanical integrity of process equipment:

This violation occurred on or about February 8, 2011 in the West Storage Facility of the Enterprise Products site in Mont Belvieu, TX, when the employer failed to develop written instructions with sufficient detail ensuring that undue stresses were not applied to fixed piping components during the flange spreading step of the slip blind installation process.

Date By Which Violation Must be Abated: 09/21/2011
Proposed Penalty: \$ 7000.00

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(i): Inspections and tests were not performed on process equipment to maintain its mechanical integrity:

This violation occurred on or about February 8, 2011 in the West Storage Facility of the Enterprise Products site in Mont Belvieu, TX, when Enterprise failed to ensure that inspections and tests were performed on the above ground headers and their interfaces to the underground piping transfer system after spreading of the flanges had occurred.

Date By Which Violation Must be Abated: 09/21/2011
Proposed Penalty: \$ 7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Enterprise Products-Mont Belvieu West Facility
Inspection Site: 10207 FM 1942, Mont Belvieu, TX 77580

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.119(l)(1): The employer did not establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process:

This violation occurred on or about February 8, 2011 in the West Storage Facility of the Enterprise Products site in Mont Belvieu, TX, the employer failed to ensure a management of change was written and implemented when maintenance employees were instructed to deviate from Lockout/Tagout and Line break procedures by not isolating the hazardous energy sources and not ensuring all energy was removed prior to breaking the process line.

Date By Which Violation Must be Abated:	09/21/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty


Company Name: Enterprise Products-Mont Belvieu West Facility
Inspection Site: 10207 FM 1942, Mont Belvieu, TX 77580

Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.147(d)(5)(i): Following the application of lockout or tagout device(s) to energy isolating device(s), all potentially hazardous stored or residual energy was not relieved, disconnected, restrained or otherwise rendered safe:

This violation occurred on February 8, 2011 in the West Storage Facility at the Enterprise Products site in Mont Belvieu, TX, when the employer failed to render equipment (high pressure piping headers) safe by relieving or disconnecting all energy sources prior to allowing employees to perform maintenance work on it.

Date By Which Violation Must be Abated: 09/21/2011
Proposed Penalty: \$ 7000.00



MARK R. BRIGGS
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
Houston South Area Office
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Phone: (281)286-0583 FAX: (281)286-6352



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Enterprise Products-Mont Belvieu West Facility
Inspection Site: 10207 FM 1942, Mont Belvieu, TX 77580
Issuance Date: 08/05/2011

Summary of Penalties for Inspection Number 312926546

Citation 1, Serious = \$ 35000.00
TOTAL PROPOSED PENALTIES = \$ 35000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions put on any check or money order for less than the full amount due and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 4%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges. A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs. Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Mark R. Briggs
Area Director



Date