



US Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh St S W  
Washington D C 20590

JUL 12 2004

Mr. Thomas E. Capps  
President & Chief Executive Officer  
Dominion Transmission, Inc.  
P. O. Box 26666  
Richmond, VA 23261

RE: CPF No. 1-2003-1002

Dear Mr. Capps:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation and assesses a civil penalty of \$25,000. It further finds that you have completed the actions specified in the Notice required to comply with the pipeline safety regulations. The penalty payment terms are set forth in the Final Order. When the civil penalty is paid, this enforcement action will be closed. 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

cc: Mr. James E. Parsons, DTI Manager, Pipeline Integrity  
Mr. Gary L. Sypolt, Senior Vice President, DTI

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

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

In the Matter of	)	
	)	
DOMINION TRANSMISSION, INC.,	)	CPF No. 1-2003-1002
	)	
Respondent.	)	
	)	

**FINAL ORDER**

On May 24, 2002, pursuant to 49 U.S.C. § 60117, a representative of the West Virginia Public Service Commission (WVPSC), as agent for the Office of Pipeline Safety (OPS) conducted an investigation of an incident that occurred on April 24, 2002, which resulted in a fire and damage to the station's dehydration unit at Respondent's Cornwell Compressor Station, Kanawha County, West Virginia. As a result of the inspection, the Director, Eastern Region, OPS, issued to Respondent, by letter dated March 4, 2003, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. §192.605(b)(6) and proposed assessing a civil penalty of \$25,000 for the alleged violation. The Notice also proposed that Respondent take certain measures to correct the alleged violation.

Respondent responded to the Notice by letter dated April 4, 2003 (Response). Respondent did not contest the allegation of violation but submitted information concerning the corrective actions it has taken. Respondent did not request a hearing, and therefore has waived its right to one.

**FINDINGS OF VIOLATION**

**(Uncontested)** |

In its Response, Respondent did not contest the alleged violation in the Notice. Accordingly, I find that Respondent violated 49 C.F.R. §192.605(b)(6), as more fully described in the Notice:

49 C.F.R. §192.605(b)(6)—failing to have maintenance procedures that provide guidance or that reference the manufacturer's recommended procedures for the maintenance of the glycol dehydration system and flame arrestor located at the Cornwell Compressor Station, Kanawha County, West Virginia. Respondent also failed to follow the manufacturer's recommended procedures which require a thorough check of the glycol dehydration system at least every 30-40 days and failed to perform regular maintenance of the firebox flame arrestor to ensure proper operation.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

### **ASSESSMENT OF PENALTY**

Under 49 U.S.C. § 60122, Respondent is subject to a civil penalty not to exceed \$100,000 per violation for each day of the violation up to a maximum of \$1,000,000 for any related series of violations.

49 U.S.C. § 60122 and 49 C.F.R. § 190.225 require that, in determining the amount of the civil penalty, I consider the following criteria: nature, circumstances, and gravity of the violation, degree of Respondent's culpability, history of Respondent's prior offenses, Respondent's ability to pay the penalty, good faith by Respondent in attempting to achieve compliance, the effect on Respondent's ability to continue in business, and such other matters as justice may require. The Notice proposed a \$25,000 civil penalty for violation of 49 C.F.R. § 192.605(b)(6).

Respondent did not contest the allegations that it failed to have maintenance procedures to provide guidance or that reference the manufacturer's recommended procedures for the maintenance of the glycol dehydration system and flame arrestor located at the Cornwell Compressor Station. Respondent also failed to follow the manufacturer's recommended procedures for the glycol dehydration system and the firebox flame arrestor. All gas and hazardous liquid pipeline operators must maintain and make available to appropriate operating personnel a manual of written procedures for conducting operations and maintenance activities to enable personnel to safely and effectively perform their duties and maintain its facilities. Respondent has not shown any circumstance that would have prevented or justified it not having maintenance procedures that provide guidance or that reference the manufacturer's recommended procedures. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of \$25,000.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require this payment may be made by wire transfer, through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMZ-120), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125; (405) 954-8893.

Failure to pay the \$25,000 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in an United States District Court.

### **COMPLIANCE ORDER**

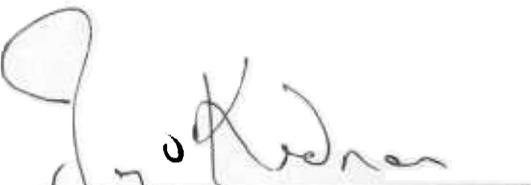
The Notice proposed a compliance order for violation of 49 C.F.R. § 192.605(b)(6).

Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. The Regional Director has indicated that Respondent has taken the following actions specified in the proposed compliance order:

1. Respondent submitted operation and maintenance procedures for the Glycol Dehydration Unit and the Super Heated Vapor (SHV) Dehydration Unit Flare System based on the manufacturer's procedures and recommendations for the safe operation of the dehydration unit.
2. Respondent submitted an operation and maintenance schedule for the Cornwell Station operating personnel to perform the proper procedures to drain the condensate drips and prevent the overflow of condensate into the dehydration contact tower.

Accordingly, since compliance has been achieved with respect to this violation, the compliance terms are not included in this Order.

Under 49 C.F.R. § 190.215, Respondent has a right to petition for reconsideration of this Final Order. The petition must be received within 20 days of Respondent's receipt of this Final Order and must contain a brief statement of the issue(s). The filing of a petition automatically stays the payment of any civil penalty assessed. All other terms of the order, including any required corrective action, shall remain in full effect unless the Associate Administrator, upon written request, grants a stay. The terms and conditions of this Final Order are effective upon receipt.



for  
Stacey Gerard  
Associate Administrator  
for Pipeline Safety

JUL 12 2004

Date Issued