



U.S. Department
Of Transportation
**Pipeline and
Hazardous Materials
Safety Administration**

820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628
609.989.2171

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED CIVIL PENALTY**

OVERNIGHT EXPRESS MAIL

January 24, 2013

Shawn L. Patterson
President Engineering & Project Development
Columbia Gas Transmission Corp.
1700 MacCorkle Avenue, SE
Charleston, WV 25314

CPF 1-2013-1002

Dear Mr. Patterson:

On September 20-23, 2011 State inspectors from the West Virginia Public Service Commission (WV PSC), acting as agents for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code, inspected Columbia Gas Transmission Corp. (CGT) Coco Storage and pipeline facilities in Kanawha County, West Virginia.

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

- 1. § 192.465 External corrosion control: Monitoring.
(d) Each operator shall take prompt remedial action to correct any deficiencies indicated by the monitoring.**

CGT failed to take prompt remedial action to correct any deficiencies indicated by the pipe to soil monitoring of CGT assets 715769 and 293730.

The WV PSC review of CGT records indicated that Coco (A) field line F-6 had the following pipe to soil readings:

1. Asset 715769

Date monitored: Reading

- 4/22/2008: -0.689 volts DC
- 4/27/2009: -0.786 volts DC
- 6/17/2009: See reference to calendar log book, below.
- 4/13/2010: -0.941 volts DC

2. Asset 293730

Date monitored: Reading

- 4/23/2008: -0.738 volts DC
- 4/27/2009: -0.691 volts DC
- 6/17/2009: See reference to calendar log book, below.
- 4/13/2010: -1.622 volts DC

A CGT representative indicated that during the time period from 4/22/2008 to 4/27/2009, CGT did not promptly make the remedial measures that were needed for asset 715769. Likewise a CGT representative indicated that during the time period from 4/23/2008 to 4/27/2009 CGT did not promptly make the remedial measures that were needed for asset 293730.

A CGT calendar log book, dated 6/17/2009, showed readings for both assets that met the criteria contained in Appendix D of Part 192. The remediation for both assets was completed 51 days late.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 3, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violations and has recommended that you be preliminarily assessed a civil penalty of \$ 26,400 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$26,400

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. 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).

If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

In your correspondence on this matter, please refer to **CPF 1-2013-1002** and for each document you submit, please provide a copy in electronic format whenever possible. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

Byron Coy, PE
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*

Cc: Mr. David Hippchen – WV PSC