

MAY 13 2010

Mr. Richard D. Hatchett
Vice President
West Texas Gas, Inc.
211 N. Colorado
Midland, TX 79701

Re: CPF No. 4-2009-1018

Dear Mr. Hatchett:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and finds that West Texas Gas, Inc., has completed the actions specified in the Notice to comply with the pipeline safety regulations. Therefore, this case is now closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. R. M. Seeley, Director, Southwest Region, PHMSA

Mr. Bart Bean
Operations Manager
West Texas Gas, Inc.
7517 Canyon Dr.
Amarillo, TX 79110

CERTIFIED MAIL – RETURN RECEIPT REQUESTED [7009 1410 0000 2472 2445]

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

_____)	
In the Matter of)	
)	
West Texas Gas, Inc.,)	CPF No. 4-2009-1018
)	
Respondent.)	
_____)	

FINAL ORDER

On August 11-14, 2008, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of West Texas Gas, Inc. (West Texas or Respondent), in Dalhart, Texas. The inspection covered a 78-mile interstate gas transmission pipeline stretching from Moore County, Texas, to Clayton, New Mexico. Respondent operates approximately 900 miles of gas transmission pipeline in Texas and New Mexico. The company also operates approximately 5,000 miles of distribution pipeline in Texas and Oklahoma.

As a result of the inspection, the Director, Southwest Region, OPS (Director), issued to Respondent, by letter dated July 6, 2009, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had committed certain violations of 49 C.F.R. Part 192. The Notice also proposed certain corrective actions to be taken by the company to comply with the cited pipeline safety regulations.

West Texas responded to the Notice by letter dated August 7, 2009 (Response). Respondent did not contest the allegations of violation and provided information concerning the corrective actions it had taken. Respondent did not request a hearing and therefore has waived its right to one.

FINDINGS OF VIOLATION

In its Response, West Texas did not contest the allegations in the Notice that it violated 49 C.F.R. Part 192, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 192.179(b)(1), which states:

§ 192.179 Transmission line valves.

(a)

(b) Each sectionalizing block valve on a transmission line, other than offshore segments, must comply with the following:

(1) The valve and the operating device to open or close the valve must be readily accessible and protected from tampering and damage

The Notice alleged that Respondent violated § 192.179(b)(1) by failing to protect a number of mainline block valve sites on the transmission line from tampering and damage. In particular, the Violation Report indicated that there were no external barriers to protect the block valve sites from tampering and damage.¹ West Texas did not contest this violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.179(b)(1) by failing to protect its mainline block valve sites from tampering and damage.

Item 2: The Notice alleged that Respondent violated 49 C.F.R. § 192.479(a), which states:

§ 192.479 Atmospheric corrosion control: General.

(a) Each operator must clean and coat each pipeline or portion of pipeline that is exposed to the atmosphere, except pipelines under paragraph (c) of this section

The Notice alleged that West Texas violated § 192.479(a) by failing to clean and coat each portion of pipeline that is exposed to the atmosphere. Specifically, some regulators, meter stations, and mainline block valves showed signs of active corrosion under pipe resting on supports. Respondent did not contest this violation. Accordingly, based upon a review of all of the evidence, I find that West Texas violated 49 C.F.R. § 192.479(a) by failing to clean and coat each portion of pipeline that is exposed to the atmosphere.

Item 3: The Notice alleged that Respondent violated 49 C.F.R. § 192.749(d), which states:

§ 192.749 Vault maintenance.

(a)

(d) Each vault cover must be inspected to assure that it does not present a hazard to public safety.

The Notice alleged that West Texas violated § 192.749(d) by failing to inspect each vault cover to assure that it does not present a hazard to public safety. The Violation Report indicated that at least one mainline valve vault box cover (“Kitchens Valve Box”) had no locking device to prevent unauthorized access to the vault, and that failing to provide a lock on the vault presented a hazard to public safety. Respondent did not contest this violation. Accordingly, based upon a review of all of the evidence, I find that West Texas violated 49 C.F.R. § 192.749(d) by failing to inspect each vault cover to assure that it does not present a hazard to public safety.

¹ OPS Pipeline Safety Violation Report dated July 6, 2009 (Violation Report).

Item 4: The Notice alleged that Respondent violated 49 C.F.R. § 192.467(a), which states:

§ 192.467 External corrosion control: Electrical isolation.

(a) Each buried or submerged pipeline must be electrically isolated from other underground metallic structures, unless the pipeline and the other structures are electrically interconnected and cathodically protected as a single unit.

The Notice alleged that West Texas violated § 192.467(a) by failing to ensure that each buried pipeline was electrically isolated from other underground metallic structures. Specifically, the Violation Report indicated that West Texas was not monitoring certain cased road crossings for electrical activity. The Violation Report also stated that West Texas could not provide any documentation to show that electrical isolation for the cased road crossings had ever been monitored. Respondent did not contest this allegation. Accordingly, based upon a review of all of the evidence, I find that West Texas violated 49 C.F.R. § 192.467(a) by failing to electrically isolate each buried portion of pipeline from other underground metallic structures.

Item 5: The Notice alleged that Respondent violated 49 C.F.R. § 192.481(a), which states:

§ 192.481 Atmospheric corrosion control: Monitoring.

(a) Each operator must inspect each pipeline or portion of pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion, as follows:

If the pipeline is located:	Then the frequency of inspection is:
Onshore	At least once every 3 calendar years, but with intervals not exceeding 39 months
Offshore	At least once each calendar year, but with intervals not exceeding 15 months

The Notice alleged that West Texas violated § 192.481(a) by failing to inspect its aboveground onshore pipeline for atmospheric corrosion at least once every three calendar years. The Violation Report stated that certain meter and regulator stations, tap valves, and mainline valve assemblies had visible signs of atmospheric corrosion. Further, West Texas could not provide documentation to show that atmospheric corrosion inspections had been conducted in accordance with the regulation. Respondent did not contest this allegation. Accordingly, based upon a review of all of the evidence, I find that West Texas violated 49 C.F.R. § 192.481(a) by failing to inspect each section of pipeline exposed to the atmosphere for evidence of atmospheric corrosion at least once every three years.

Item 6: The Notice alleged that Respondent violated 49 C.F.R. § 192.705, which states:

§ 192.705 Transmission lines: Patrolling.

(a) Each operator shall have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for

indications of leaks, construction activity, and other factors affecting safety and operation.

(b) The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following table:

Class location of line	Maximum interval between patrols	
	At highway and railroad crossings	At all other places
1, 2	7 ½ months; but at least twice each calendar year.	15 months; but at least once each calendar year.
3	4 ½ months; but at least four times each calendar year.	7 ½ months; but at least twice each calendar year.
4	4 ½ months; but at least four times each calendar year.	4 ½ months; but at least four times each calendar year.

(c) Methods of patrolling include walking, driving, flying or other appropriate means of traversing the right-of-way.

The Notice alleged that West Texas violated § 192.705 by failing to conduct patrols of certain locations at intervals not exceeding 7½ months, but at least twice each calendar year. The Violation Report indicated that West Texas did perform an annual patrol on foot and by vehicle using gas detection equipment, but the company could not produce documentation that the patrol was conducted twice a year, at intervals not exceeding 7½ months at certain locations, as specified by the regulation. Respondent did not contest this allegation. Accordingly, based upon a review of all of the evidence, I find that West Texas violated 49 C.F.R. § 192.705 by failing to provide documentation demonstrating that it had performed patrols at the requisite intervals required by the regulations to observe conditions near the transmission line right-of-way.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

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

With respect to the violation of § 192.179(b)(1) (**Item 1**), West Texas has added locks and fencing where needed to protect each transmission line valve from tampering and damage. In its

Response, West Texas provided a list of the improvements made to each valve location and photographs showing those improvements.

With respect to the violation of § 192.479(a) (**Item 2**), West Texas has taken corrective action to mitigate atmospheric corrosion at the cited areas. Specifically, pipelines in these areas have been cleaned, recoated, and insulation material has been added between the pipe and the support. West Texas provided photographs of the corrections in its Response.

With respect to the violation of § 192.749(d) (**Item 3**), West Texas has installed a locking device at the “Kitchens Valve Box” to prevent unauthorized access to the area. West Texas included a photograph of this improvement in its Response.

With respect to the violation of § 192.467(a) (**Item 4**), West Texas has excavated cased road crossings at the required sites and installed test leads to monitor electrical isolation of the buried pipe. Photographs were included in the Response, and records of this monitoring were made available.

With respect to the violation of § 192.481(a) (**Item 5**), West Texas has completed atmospheric corrosion inspections on the entire pipeline and the cited problem areas have been addressed. Respondent submitted an atmospheric corrosion survey record and the costs associated with the remediation measures.

With respect to the violation of § 192.705 (**Item 6**), West Texas now patrols the pipeline as required and is maintaining requisite documentation. Respondent submitted documentation of its patrols.

Accordingly, I find that these actions comply with the requirements of the Proposed Compliance Order and therefore are not included in this Order.

The terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued