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

UPS OVERNIGHT DELIVERY

April 5, 2013

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

CPF 1-2013-1003

Dear Mr. Patterson:

Between October 19, 2010 and June 3, 2011, representatives from West Virginia Public Service Commission (WV PSC) acting as agents for the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected Columbia Gas Transmission Corporation's (CGT) facilities and records in Charleston, West Virginia.

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

1. **§ 192.705 Transmission lines: Patrolling**

   (a) . . .

   (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:

	Maximum interval between patrols	
Class location of line	**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.

CGT failed to patrol its line, designated HB, in Class 1 and 2 locations, at highway and railroad crossings, within the 7 ½ months interval, as prescribed in §192.705(b).

During this inspection, a representative from WV PSC reviewed and obtained several lists that showed the segments of line HB that were in Class 1 and 2 locations at highway and railroad crossings.

As shown below, CGT had 16 segments of line HB that were in a Class 1 and 2 locations at highway and railroad crossings.[1]

The representative from WV PSC also reviewed and obtained a report titled D.O.T. Compliance Report, which showed the completion date of aerial patrols and leakage surveys on pipeline HB from 1/1/2007 to 8/31/2010. According to this report, a patrol was completed on 3/10/2009 and the next patrol was completed on 11/9/2009, which exceeded the 7 ½ months interval by 15 days.

CGT did not produce any other record that showed the patrol was completed within the required interval.

Therefore, CGT failed to patrol its line, HB, in Class 1 and 2 locations, at highway and railroad crossings, within the 7 ½ months interval.

1. Asset # 275294 Class 1/2 Rt. 43 - 657+46
2. Asset # 687933 Class 1/2 Rt. 35 - 681+09
3. Asset # 687937 Class 1/2 Rt. 35 - 775+10
4. Asset # 727539 Class 1/2 Rt. 35 - 747+50
5. Asset # 275275 Road/RR Crossing Class 1/2 Bowen Creek #4 - 530+58
6. Asset # 727626 Road/RR Crossing Class 1/2 Bowen Creek # 1 - 364+95

[1] Information comes from CGT records titled Asset List: VS-8084, VS-8083, VS-8082, VS-8081, and VS-8080 dated October 19, 2010.

7. Asset # 727627 Road/RR Crossing Class 1/2 Bowen Creek # 2 - 380+70
8. Asset # 727628 Road/RR Crossing Class 1/2 Bowen Creek # 3 - 502+20
9. Asset # 872231 Road/RR Crossing Class 1/2 Bowen Creek # 5 - 550+17
10. Asset # 687930 Road/RR Crossing Class 1/2 Four Mile Road - 89+52
11. Asset # 727482 Road/RR Crossing Class 1/2 Rt.10/1 Falls Creek Road 233+66
12. Asset # 727483 Road/RR Crossing Class 1/2 Fire Tower Road # 1 - 295+32
13. Asset # 727484 Road/RR Crossing Class 1/2 Fire Tower Road # 2 - 306+25
14. Asset # 727485 Road/RR Crossing Class 1/2 Fire Tower Road # 3 - 313+34
15. Asset # 687929 Road/RR Crossing Class 1/2 Roy Branch Road - 54+06
16. Asset # 275218 Road/RR Crossing Class 1/2 Rt.10 - 5+16

2. § 192.751 Prevention of accidental ignition.

Each operator shall take steps to minimize the danger of accidental ignition of gas in any structure or area where the presence of gas constitutes a hazard of fire or explosion, including the following:

(a) When a hazardous amount of gas is being vented into open air, each potential source of ignition must be removed from the area and a fire extinguisher must be provided.

CGT failed to take steps to minimize the danger of accidental ignition of gas in any structure or area where the presence of gas constitutes a hazard of fire or explosion.

During the field inspection at CGT's Kenova Compressor Station, on October 21, 2010, a representative from WV PSC observed and took photographs of two switches that were missing a plug on the bottom of the switch box enclosure. Therefore, it is possible for gas to enter the switch box which is a potential source of ignition.

3. § 192.605 Procedural manual for operations, maintenance, and emergencies.

(a) *General.* Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

CGT failed to follow its O&M procedure 200.01.02 section 3.4 which required identification tags on emergency valves.

On the date of the WV PSC inspection in October 2010, the emergency valve setting on Pipeline "P" at the Wilson gas delivery point had no identification tag on the valve.

CGT said the valve handle had been stolen and replaced recently, but they failed to put an identification tag on the handle. The identification tag was installed prior to the completion of the inspection.

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 4, 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 $29,000 as follows:

Item number	PENALTY
1	$29,000

Warning Items

With respect to items 2 and 3, 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 promptly correct these items. Failure to do so may result in additional enforcement action.

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. All material submit in response to this enforcement action may be 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.

Please submit all correspondence in this matter to Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628. Please refer to **CPF 1-2013-1003** on each document you submit, and please whenever possible provide a signed PDF (Portable Document Format). Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD (Compact Disc) accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

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

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

Cc: Dave Hippchen, WV PSC