



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

233 Peachtree Street Ste. 600  
Atlanta, GA 30303

**NOTICE OF PROBABLE VIOLATION  
and  
PROPOSED COMPLIANCE ORDER**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

October 13, 2015

Mr. Richard Keyser  
Sr. Vice President Operations  
Texas Gas Transmission, LLC  
Boardwalk Pipeline Partners, LP  
9 Greenway Plaza, Suite 2800  
Houston, TX 77046

**CPF 2-2015-1005**

Dear Mr. Keyser:

On July 28-29, 2015, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), Southern Region inspected the Texas Gas Transmission, LLC (TGT) Operator Qualification program at your office in Owensboro, Kentucky, pursuant to Chapter 601 of 49 United States Code. TGT is a subsidiary of Boardwalk Pipeline Partners, LP (BWP).

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

**1. §192.805 Qualification program.**

**Each operator shall have and follow a written qualification program. The program shall include provisions to:**

**... (g) Identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed;**

Texas Gas Transmission (TGT) did not follow its written Operator Qualification (OQ) program because it failed to identify the intervals at which evaluation of the individual's qualifications is needed in accordance with the requirements of its written OQ program.

TGT uses the BWP *Operator Qualification Plan*, which states on page 36 of 59, "Each covered task includes a requalification interval based on task difficulty, task importance, the potential for loss of knowledge or skill over time, and/or manufacturer's recommendations." Additionally the written BWP Plan states in Appendix 1, "Boardwalk has adopted the Common Covered Task List based on work by the Veriforce Common Task List Committee and indicates that subject matter experts (SME's) established requalification intervals "based on their estimate of task difficulty, task importance, the potential for loss of knowledge or skill over time, and/or manufacturer's recommendations."

During the inspection, TGT personnel could not demonstrate that the requalification intervals specified in the *Common Covered Task List* contained in the BWP Plan were "based on task difficulty, task importance, the potential for loss of knowledge or skill over time, and/or manufacturer's recommendations" as required by the BWP Plan.

Furthermore, the BWP Plan also incorporates several covered tasks specific to the Boardwalk operating companies and which were not derived from the Veriforce Common Covered Task list. These covered tasks were referred to in the written qualification program as the 9000 series tasks and all had requalification intervals of 3 years. TGT personnel indicated that the 3 year requalification interval for Boardwalk-specific covered tasks had been derived from the requirements of *The American Society of Mechanical Engineers (ASME) Standard B31Q Pipeline Personnel Qualification*. Again, the requalification intervals specified for the 9000 series tasks were not "based on task difficulty, task importance, the potential for loss of knowledge or skill over time, and/or manufacturer's recommendations" as required by the BWP Plan.

#### Proposed Compliance Order

With respect to items 1 pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Texas Gas Transmission. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

#### 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 2-2015-1005** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



Lori Hutwagner  
Acting Director, Office of Pipeline Safety  
PHMSA Southern Region

Enclosures: *Proposed Compliance Order*  
*Response Options for Pipeline Operators in Compliance Proceedings*

## **PROPOSED COMPLIANCE ORDER**

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Texas Gas Transmission, LLC (TGT) a Compliance Order incorporating the following remedial requirements to ensure the compliance of TGT with the pipeline safety regulations:

1. In regard to Item Number 1 of the Notice pertaining to TGT's failure to identify requalification intervals as required by its written qualification program, TGT must, within 60 days following the date of issuance of the Final Order, develop requalification intervals for all covered tasks as required by its written qualification program.
2. Within 90 days of issuance of the Final Order, TGT must submit to the Director, PHMSA Southern Region Office of Pipeline Safety documentation demonstrating the satisfactory completion of above item 1.
3. It is requested (not mandated) that TGT maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to the Director, Southern Region – Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.