



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

230 Peachtree Street N.W.
Suite 2100
Atlanta, GA 30303

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

DELIVERY METHOD – VIA FEDERAL EXPRESS

February 10, 2022

Mr. Keith Smith
Station Manager
Santee Cooper – Rainey Generating Station
2900 Opry House Road
Iva, SC 29655

CPF 2-2022-006-NOPV

Dear Mr. Smith:

From May 17 to May 18, 2021, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Santee Cooper – Rainey Generating Station (Santee Cooper) records and facilities in Iva, South Carolina.

As a result of the inspection, it is alleged that Santee Cooper has committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violations are:

1. **§ 192.605 Procedural manual for operations, maintenance, and emergencies.**
 - (a)...
 - (b) ***Maintenance and normal operations.*** The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.
 - (1)...
 - (5) **Starting up and shutting down any part of the pipeline in a manner designed to assure operation within the MAOP limits prescribed by this part, plus the build-up allowed for operation of pressure-limiting and control devices.**

Santee Cooper failed to comply with the regulation because it did not include procedures for starting up and shutting down any part of the pipeline in a manner designed to assure operation within the MAOP limits prescribed by this part, plus the build-up allowed for operation of pressure limiting and control devices, as required by § 192.605(a).

At the time of PHMSA's inspection, Santee Cooper Procedure 30.100, titled "Maximum Operating Pressure," required only that Santee Cooper personnel "Monitor and control operating pressures at all times so that established MAOP is not exceeded." Santee Cooper personnel were unable to reference a procedure covering the requirements specific to operating within MAOP limits during startup and shutdown, as required by § 192.605(b)(5).

2. § 192.615 Emergency plans.

(a) ...

(b) Each operator shall:

(1) ...

(2) Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

Santee Cooper failed to comply with the regulation because it did not train the appropriate personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

During PHMSA's inspection, Santee Cooper personnel confirmed that personnel from the power generation facility served by the regulated pipeline may be responsible for responding to a pipeline emergency outside of normal pipeline operation hours. It was further confirmed that, at the time of PHMSA's inspection, the referenced power generation personnel were not incorporated into Santee Cooper's pipeline emergency response training program.

Proposed Compliance Order

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violation occurring on or after January 11, 2021 and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violation occurring on or after July 31, 2019 and before January 11, 2021, the maximum penalty may not exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to propose a civil penalty assessment at this time.

With respect to Item 2, pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Santee Cooper. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Warning Item

With respect to Item 1, 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 Santee Cooper to promptly correct this item. 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 Enforcement 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).

Following the receipt of this Notice, you have 30 days to submit written comments, or request a hearing under 49 CFR § 190.211. 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. If you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from receipt of this Notice. This period may be extended by written request for good cause.

In your correspondence on this matter, please refer to **CPF 2-2022-006-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



James A. Urisko
Director, Southern Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration

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

PROPOSED COMPLIANCE ORDER

Pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Santee Cooper – Rainey Generating Station (Santee Cooper) a Compliance Order incorporating the following remedial requirements to ensure the compliance of Santee Cooper with the pipeline safety regulations:

- A. In regard to Item Number 2 of the Notice pertaining to Santee Cooper’s failure to train the appropriate personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective, Santee Cooper must take the following actions:
 - 1. Santee Cooper must identify all personnel potentially responsible for emergency response on the referenced pipeline and incorporate those identified into all relevant emergency response training programs. Further, Santee Cooper must train all identified personnel to ensure that they are knowledgeable of the pipeline emergency procedures.
 - 2. Within 120 days of receipt of the Final Order, Santee Cooper must submit documentation to PHMSA’s Office of Pipeline Safety, Southern Region, confirming inclusion of operating personnel potentially responsible for pipeline emergency response into all relevant emergency response training programs, including documentation of the training and verification of its effectiveness.
- B. It is requested (not mandated) that Santee Cooper maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to the Director, Office of Pipeline Safety, PHMSA Southern Region. 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.