



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

409 3rd Street, SW, Suite 300
Washington, DC 20024

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 22, 2007

Mr. Edward M. Nolan, Jr.
Senior Vice President, Utilities Operations
Equitrans, L.P.
225 North Shore Drive
Pittsburgh, PA 15212-5860

CPF 1-2007-1010

Dear Mr. Nolan:

During the period from July 19 to September 8, 2006, 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 the Equitrans pipeline system in West Virginia.

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

1. **§192.163(e) Compressor stations: Design and construction.**

(e) Electrical facilities. Electrical equipment and wiring installed in compressor stations must conform to the National Electrical Code, ANSI/NFPA 70, so far as that code is applicable.

Section §192.163(e) requires that electrical equipment and wiring must conform to the National Electric Code, ANSI/NFPA 70. Article 250.42(d) of the National Electric Code, requires that in hazardous (classified locations as covered by Article 500 through 517) equipment fastened in place, or connected by permanent wiring methods (Fixed) with exposed noncurrent-carrying metal parts or fixed equipment likely to become energized, shall be grounded.

As a result of the inspection conducted by the WV PSC at the Equitrans Curtisville Compressor Station, it was noted that the operator failed to provide proper grounding for the Altronic ignition system as required under Section 192.163(e) of CFR 49 and Article 250.42(d) of the National Electric Code, ANSI/NFPA 70.

Proper requirements for grounding of equipment are outlined under Article 250-51, 250.53, and 250.119 of the National Electric Code as listed below.

250-51: Effective Grounding Path. The path to ground from circuits, equipments, and metal enclosures for conductors shall: (1) be permanent and continuous; (2) have capacity to conduct safely any fault current likely to be imposed on it; and (3) have sufficiently low impedance to limit the voltage to ground and to facilitate the operation of the circuit protective devices in the circuit. The earth shall not be used as the sole equipment grounding conductor.

250.53: Grounding Path to Grounding Electrode at Services. (a) Grounding Electrode Conductor. A grounding electrode conductor shall be used to connect the equipment grounding conductors, the service-equipment enclosures and, where the system is grounded, the grounded service conductor to the grounding electrode.

250.119: Identification of Wiring Device Terminals. The terminal for the connection of the equipment grounding conductor shall be identified by: (1) a green-colored, not readily removable terminal screw with a hexagonal head, (2) a green-colored, hexagonal, not readily removable terminal nut or (3) a green-colored pressure wire connector. If the terminal for the grounding conductor is not visible, the conductor entrance hole shall be marked with the word "green" or otherwise identified by a distinctive green color.

It must be noted that immediately following the inspection at the Curtisville Compressor Station, the operator took immediate action to correct the grounding of the Altronic ignition system and to insure compliance with the requirements of Article 250.42(d), 250.51, 250.53, and 250.119. In a letter dated 9/25/06, Equitrans provided documentation and photographs to demonstrate that remedial action had been taken.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation and has recommended that you be preliminarily assessed a civil penalty of \$44,000 as follows:

| <u>Item number</u> | <u>PENALTY</u> |
|--------------------|----------------|
| 1 | \$44,000 |

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 1-2007-1010** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



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

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