



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**

November 1, 2010

Mr. Victor Gaglio  
Senior Vice President of Operations  
Columbia Gas Transmission Corporation  
1700 MacCorkle Avenue, SE  
Charleston, WV 25314

**CPF 1-2010-1009**

Dear Mr.Gaglio:

On September 30 and October 1, 2008, 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 your pipeline facilities in Marshall County, 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. §192.605(a) 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 one 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.**

Columbia Gas Transmission Corporation (Columbia) failed to follow the project-specific plan in regard to protecting the coating of the pipelines from exposure to sunlight and weather, and to protect the coating of the pipelines from ground movement as outlined in Section III (Field Coating) of the project-specific procedures.

In late October, 2007, in anticipation of surface subsidence that would result from the long wall mining process scheduled for July 2008, Columbia's Cameron operations and maintenance personnel completed the stripping of cover and exposure of lines 1758 and 10100. After the mining operations removed the underlying coal and the surface subsidence had run its course, the pipelines were to be recoated (repaired), backfilled, and the right of way restored (in September 2008).

In preparation for the project, Columbia prepared a project-specific corrosion control and coating remediation plan for the pipelines affected by the long-wall mining. A field inspection was conducted by the WV PSC during the final phases of the project when the coating was being remediated.

Section III, paragraph 2 of the project plan, states that "Pipe coatings that are going to be exposed for more than 2 months will be painted with a white, latex paint from hardware store for protection from UV and weather". Columbia Gas failed to meet this requirement on pipe segments exposed for over the 2 month period. Photographs taken 9/30/2008 and 10/1/2008 show that some sections of Line 1758 were not painted.

Section III, paragraph 1 of the project plan, states that "The pipe and coatings shall be protected from movement by placing the pipe on sandbags. During the inspection conducted by the WV PSC, it was noted that several sections of the exposed pipeline were lying directly on the bottom of the trench and the pipe was not placed on sandbags as required by the procedure.

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(s) and has recommended that you be preliminarily assessed a civil penalty of \$29,600 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$29,600

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 1-2010-1009** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



Byron E. Coy, P.E.  
Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration

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