



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
PROPOSED CIVIL PENALTY
and
PROPOSED COMPLIANCE ORDER**

May 29, 2012

Mr. Jeffrey L. Barger, Senior V.P.
Dominion Transmission, Inc.
445 West Main Street
Clarksburg, WV 26301

CPF 1-2012-1015

Dear Mr. Barger:

On August 4-6, 2009, and June 22, 2010, representatives 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 WV Bridgeport storage facilities and records, and records in Clarksburg, WV.

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. § 192.163 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.

Dominion Transmission, Inc. (DTI) was unable to provide documentation that electrical equipment and wiring in the Bridgeport Compressor Station complied with applicable provisions of the National Electrical Code Articles 250.5(b), 250.42 (a) (d) & (f), & 250.81(b).

At the time of WV PSC inspection, no grounding conductor was observed for the micro-turbine generators. The operator failed to comply with the referenced NEC Articles as these articles address the application of grounding conductors and systems installed for the micro-turbine generators housings.

- 2. § 192.163 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.

DTI was unable to provide documentation that electrical equipment and wiring in the Bridgeport Compressor Station complied with applicable provisions of the National Electrical Code NEC Article 501.5(b). The operator failed to install a conduit seal within 18 inches of the explosion-proof housing for the breaker/starter switch for the jacket water circulation pump, as required by NEC Article 501.5(b). The operator's personnel said that the conduit was installed no sooner than the year 2000.

3. § 192.163 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.

DTI was unable to provide documentation that electrical equipment and wiring in the Bridgeport Compressor Station complied with applicable provisions of the National Electrical Code NEC Article 230.95 (c). The operator was unable to produce any records of a post-construction performance test in compliance with the NEC Article 230.95 (c) that requires a performance test when the ground fault protection system is first installed on site, and requires a written record of the test to be created.

4. § 192.163 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.

Pursuant to NEC Article 230.57 (b), "Individually covered or insulated equipment grounding conductors shall have a continuous outer finish that is either green or green with one or more yellow stripes.

DTI failed to have grounding conductors with a continuous outer finish that is either green or green with one or more yellow stripes. The grounding wires for the motor control center for the suction, discharge, & bypass of compressor engine number 1 in the Bridgeport Compressor Station had a red continuous outer finish.

5. § 192.603 General provisions.

(b) Each operator shall keep records necessary to administer the procedures established under §192.605.

DTI failed to keep records necessary to administer the procedures established under §192.605.

DTI had replaced all segments of pipeline TL-260 except for two segments. DTI representatives stated that the maximum allowable operating pressure (MAOP) for those two segments were determined pursuant to §192.619(c). DTI did not provide the MAOP records for those two segments of pipeline TL-260.

DTI failed to produce copies of the MAOP documentation or otherwise make it available for review during the inspection, and DTI did not provide the documentation in a subsequent request for specific information.

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 violations and has recommended that you be preliminarily assessed a civil penalty of \$174,500 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$44,600
2	\$43,700
3	\$21,200
4	\$43,700
5	\$21,300

Proposed Compliance Order

With respect to items 1 through 5 pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Dominion Transmission, Inc. 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.

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 1-2012-1015** on each document you submit, and please whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

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

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

Cc: David Hippchen, WV PSC

PROPOSED COMPLIANCE ORDER

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

1. In regard to Item Number 1 of the Notice, within 120 days of receipt of the Final Order, DTI must provide grounding for the micro-turbine generators housings that complies with the requirements in National Electrical Code (NEC) Articles 250.5(b), 250.42 (a) (d) and (f), and 250.81 (b).
2. In regard to Item Number 2 of the Notice, within 120 days of receipt of the Final Order, DTI must install a conduit seal for the breaker/starter switch for the jacket water circulation pump that complies with requirements in NEC Article 501.5 (b);
3. In regard to Item Number 3 of the Notice, within 120 days of receipt of the Final Order, DTI must conduct the equivalent of a post-construction performance test on each and all compressor station electrical equipment that complies with the requirements in NEC Article 230.95 (c);
4. In regard to Item Number 4 of the Notice, within 120 days of receipt of the Final Order, DTI must provide electrical grounding for the motor control center for the suction, discharge, and bypass of compressor engine number 1 that complies with requirements in NEC Article 230.57(b).
5. In regard to Item Number 5 of the Notice pertaining to Maximum Allowable Operating Pressure (MAOP) documentation, within 180 days of receipt of the Final Order, DTI must provide records for the operator's unsubstantiated MAOP, or re-establish the MAOP through 49 CFR Part 192 Subpart J – Test Requirements.
6. All documentation demonstrating compliance with each of the items outlined in this order must be submitted to Byron E. Coy, P.E. Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration, Suite 103, Bear Tavern Road, West Trenton, NJ 08628 for review.
7. It is requested (not mandated) that DTI maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Byron E. Coy, PE, Director, Eastern Region, 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.