



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 AMENDMENT

OVERNIGHT EXPRESS MAIL

April 15, 2013

Jeffrey L. Barger
Vice President, Pipeline Operations
Dominion Transmission, Inc.
445 West Main Street
Clarksburg, WV 26302-2450

CPF 1-2013-1006M

Dear Mr. Barger:

From November 30 to December 2, 2010, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected the Dominion Transmission, Inc. (Dominion) Public Awareness Program in Clarksburg, West Virginia.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Dominion's procedures, as described below:

1. **§192.616 Public awareness**
 - (a) **Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see § 192.7).**

Dominion's written continuing public education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, was inadequate because it failed to reference the API RP 1162 edition as seen in § 192.7.¹ This does not ensure that the program was developed and implemented pursuant to API RP 1162, 1st edition, December 2003, as prescribed in §192.616(a).

2. **§192.616 Public awareness**
 - (a) . . .
 - (b) **The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.**

¹ API Recommended Practice 1162, "Public Awareness Programs for Pipeline Operators", (1st edition, December 2003).

Dominion's written continuing public education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 4.12 and assess the unique attributes and characteristics of its pipeline and facilities. Specifically, Dominion's *Pipeline Public Awareness Plan* did not identify all of Dominion's pipeline assets.

API RP 1162 Section 4.12 Facility Purpose, states:

Where appropriate, communication with the affected public and emergency and public officials in proximity to major facilities (such as storage facilities, compressor or pump stations) should include information to promote understanding of the nature of the facility. Operators should communicate general information regarding the facility and product(s) stored or transported through the facility.

During the inspection, Dominion indicated that it has major facilities such as: transmission lines, gathering lines, and storage facilities that are in proximity to the public. However, Dominion's *Pipeline Public Awareness Plan* lacked details regarding those facilities and products(s) stored or transported through the facility. In addition, Dominion's brochures that were sent to affected public, emergency and public officials did not contain information on those major facilities and areas of the pipe that are not odorized.

3. §192.616 Public awareness

(a) . . .

(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Dominion's written continuing public education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 3 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

API RP 1162 Section 3 Stakeholder Audience defines the intended audiences that should be included in the public awareness program. For further explanations and examples, operators are referred to Appendix B of API RP 1162. In Appendix B of API RP 1162, under B.1.1 Affected Public, it states that "transmission pipeline operator should tailor its communication coverage area (buffer) to fit its particular pipeline, location, and potential impact consequences."

Dominion uses the term "buffer" in its *Pipeline Public Awareness Plan*; however, it does not provide a definition and information on how it determined its "buffer".

4. §192.616 Public awareness

(a) . . .

(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Dominion's written continuing public education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, was inadequate because it failed to follow API RP 1162 Section 4 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

API RP 1162 Section 4 Message Content states “an operator should select the optimum combination of messages, delivery methods, and frequency that meets the needs of the intended audience . . . communications materials should be provided in the language(s) spoken by a significant portion of the intended audience.”

Dominion’s program lacked a detailed process on how to determine whether the messages should be conducted in other languages commonly understood by a significant number and concentration on non-English speaking population. Additionally, Dominion did not define significant number nor provide a basis for the significant number.

5. §192.616 Public awareness

(a) . . .

(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Dominion’s written continuing public education program, , *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, was inadequate because it failed to follow API RP 1162 Section 4.6.1 and assess the unique attributes and characteristic of the operator’s pipeline and facilities.

API RP 1162 Section 4.6.1 Transmission Pipeline Markers, states “operators’ awareness communications should include information about what pipeline markers look like” API RP 1162 Section 4.6.1 refers to Appendix C for additional details. In Appendix C of API RP 1162, under C.6.1 Transmission Pipeline Markers, it states that the “[p]ublic awareness materials should include illustrations and descriptions of pipeline markers used by the operator and the information that the markers contain.” (emphasis added) The brochures that Dominion mailed to landowners/tenants contained pictures of generic pipeline markers.

6. §192.616 Public awareness

(a) . . .

(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Dominion’s written continuing public education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, was inadequate because it failed to follow API RP 1162 Section 4.6.2 and assess the unique attributes and characteristics of the operator’s pipeline and facilities. Specifically, Dominion did not include details about the line size with the map that was in its brochure. API RP 1162 Section 4.6.2 Transmission Pipeline Mapping, states that “the level of detail provided on the map should, at a minimum, include the line size. . . .” The brochure that Dominion mailed to landowners/tenants contained a map that did not include the pipeline size(s). Since Dominion’s lines vary in size, Dominion should consider including the pipelines’ size ranges along with the map.

7. §192.616 Public awareness

(a) . . .

(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Dominion’s written continuing public education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 8 and assess the unique attributes and characteristics of the operator’s pipeline and facilities.

Dominion's written continuing public education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 8 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Specifically, Dominion's *Pipeline Public Awareness Plan* did not describe the process in which periodic evaluation of the program implementation and effectiveness were conducted.

API RP 1162 Section 8 Program Evaluation, states "[t]he overall written plan for the Public Awareness Program should include a section describing the operator's evaluation program that includes the baseline elements . . . operators to consider in periodically supplementing their evaluation efforts in a particular segment"

Dominion's *Pipeline Public Awareness Plan* lacks the specific details on what metrics/criteria/rationale are used to determine if a modification to the baseline program and/or supplemental program enhancements are necessary.

8. §192.616 Public awareness

(a) . . .

(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Dominion's written continuing public education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 8.4.2 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

API RP 1162, Section 8.4.2 Measure 2- Understandability of the Content of the Message states that "[o]perators should pre-test public awareness materials for their appeal and the messages for"

An OPS inspector requested a copy of procedures that addressed this section of API RP 1162. Dominion provided *Appendix D- Process Flow for Testing New Material* of its *Pipeline Public Awareness Plan*. Dominion's *Appendix D- Process Flow for Testing New Material* did not provide an adequate process to pre-test materials. First, it had a flowchart that was missing steps and decision points. Second, the list of steps within it did not correspond with the steps in the flowchart diagram. The flowchart was not an effective procedure. In addition, *Appendix D- Process Flow for Testing New Material* was not included in the table of contents in Dominion's *Pipeline Public Awareness Plan*.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. 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.

If, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within **90** days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that Dominion maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to, as well as any correspondence relating to this Notice to: Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628. Please refer to **CPF 1-2013-1006M** on each document you submit, and please provide a (signed) copy in electronic format whenever possible. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original (signed) paper copy to the Eastern Region Office.

Sincerely,

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

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