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**CERTIFIED MAIL**

May 14, 2013

Mr. Byron Coy, P.E.  
Director, PHMSA Eastern Region  
820 Bear Tavern Road, Suite 103  
West Trenton, NJ 08628

**RE: Notice of Probable Violation and Proposed Compliance Order (CPF 1-2013-1007)**

Dear Mr. Coy,

This letter is the formal response by Dominion Transmission, Inc. (DTI) to PHMSA's Notice of Probable Violation (NOPV) and Proposed Compliance Order (CPF 1-2013-1007) which identified the three (3) concerns noted below.

**1. §192.616 Public awareness**

**(a) ...**

**(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all of certain provisions of the recommended practice is not practicable and not necessary for safety.**

Dominion did not follow the general program recommendations, including baseline and supplemental requirements of American Petroleum Institute (API) Recommended Practice 1162.

Under Section 8.4 of API RP 1162, an operator should measure the program effectiveness. As such, an operator should assess four measures to determine whether the actions undertaken in the implementation of API RP 1162 are achieving the intended goals and objectives (effectiveness evaluation). Under Section 8.5 of API RP 1162, an operator must evaluate the effectiveness of its program "[n]o more than four years apart". Dominion did not follow Sections 8.4 and 8.5 of API RP 1162 because it did not conduct an effectiveness evaluation within the four year interval.

Dominion implemented its baseline public awareness program on June 15, 2006. Therefore, Dominion had to conduct its effectiveness evaluation no later than June 15, 2010. At the time of the inspection, Dominion had stated that the effectiveness evaluation would be conducted during a communication team meeting, which was scheduled to be held on December 3, 2010. Hence, Dominion planned to conduct the effectiveness evaluation after June 15, 2010. Dominion was unable to produce documentation that demonstrated it conducted an effectiveness evaluation by June 15, 2010. Furthermore, Dominion did not provide any justification in its program or procedural manual as to why compliance with Sections 8.4 and 8.5 of API RP 1162 was not practicable and not necessary for safety.

Therefore, Dominion did not follow Sections 8.4 and 8.5 of API RP 1162 as required by 192.616(c).

**DTI Response:**

In regard to this item, it appears that PHMSA's inspection team misunderstood the actions taken by DTI to evaluate the effectiveness of its Pipeline Public Awareness Program (PPAP). In 2006, upon implementation of the program, DTI conducted a baseline survey of its PPAP (through "Market Strategies"). While not required by the CFR, DTI believed a baseline survey (completed on December 7, 2006) would enhance the effectiveness evaluation planned in 2010. That 2010 survey was indeed conducted (again by "Market Strategies") within four years (completed on July 29, 2010) of the baseline and was reviewed thoroughly by the inspection team on December 1 and 2, 2010.

In addition to the PHMSA inspection team review, the 2010 Effectiveness Evaluation was also reviewed by PHMSA inspectors and their interstate agents on the following dates:

- June 21, 2011 by John McCauley and Mike Pasinella (NYSDPS)
- September 27, 2011 by Bill Haiker (PUCO)
- March 6, 2012 by Wayne Chan, (PHMSA Eastern Region)

No deficiencies were noted during any of these subsequent reviews.

It is true that DTI conducted a meeting on December 3, 2010 (planned well in advance of PHMSA's PPAP inspection) to discuss aspects of the effectiveness evaluation and possible revisions to the PPAP based upon its results. It is incorrect however to assert that the December 3<sup>rd</sup> meeting was the "completion date" of the effectiveness evaluation. DTI practices "continuous improvement" on all of its plans and procedures, and the December 3<sup>rd</sup> meeting was simply another aspect of those efforts.

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I have attached documentation showing completion of the PPAP Effectiveness Surveys for 2006 and 2010, as well as, a copy of the July 2010 Pipeline Safety Awareness Survey conducted by Market Strategies, International.

I have also included a copy of an e-mail that documents the review of the Effectiveness Survey and summarizes the recommendations and supplemental activities resulting from the December 3, 2011 Communications Team meeting.

**2. §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 education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, did not follow the guidance in API RP 1162 Section 4.11. API RP 1162 Section 4.11 states "[w]here applicable and in accordance with the national Homeland Security efforts, pipeline operators should communicate an overview pertaining to security of their pipelines and related facilities."

Dominion's *Pipeline Public Awareness Plan* did not have an overview pertaining to security of their pipelines and related facilities.

**DTI Response:**

As a part of DTI's outreach efforts regarding Homeland Security, four (4) compressor stations were deemed as critical infrastructures as defined by the Department of Homeland Security: Borger, Leidy, Finnefrock and Oakford. In 2012, a supplemental mailing was sent to stakeholders in the vicinity of DTI's critical facilities (within 660-feet of the fence line) and future mailings will be sent on a periodic basis (see attached example). This specialized mailing meets the intent of API RP 1162 Section 4.11 by communicating an overview pertaining to security of DTI's pipelines and facilities.

**3. §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).**

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Dominion's written continuing education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, did not follow the guidance in API RP 1162 Section 4.1. API RP Section 4.1 requires operators to provide assurances that security is considered.

Dominion's *Pipeline Public Awareness Plan* or materials that were sent to stakeholders did not provide assurance that security was considered.

**DTI Response:**

The material that DTI sends to stakeholders has been revised to include the following verbiage pertaining to security: "*Dominion has strong faith in the one-call system. Added to our own efforts, they help keep our facilities safe, secure and reliable. Calling before you dig is an important safety measure for you to know.*"

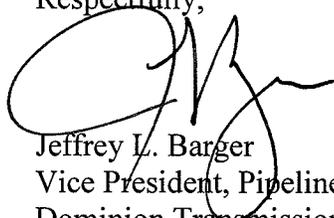
**Conclusion:**

DTI would like to note that immediate action was taken based upon the limited feedback provided by PHMSA's inspection team 28-months ago. I trust that DTI's responses adequately address PHMSA's concerns; however, it is extremely difficult to promptly respond to audit findings over two (2) years after the fact when minimal guidance or information was provided by PHMSA's inspectors during the exit interview.

With regard to Item 1, the Proposed Compliance Order, DTI has clearly conducted the Effectiveness Evaluation in accordance with its plan and therefore, respectfully requests its withdrawal. DTI's position is supported by the fact that the primary item of concern (the performance of the Effectiveness Evaluation) has been reviewed by multiple PHMSA inspectors on different dates with no concerns.

If you have any questions, please do not hesitate to contact Jim Shafer at (304) 627-3430.

Respectfully,



Jeffrey L. Barger  
Vice President, Pipeline Operations  
Dominion Transmission, Inc.