



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

October 25, 2013

Robert J. Cooper
Vice President, Engineering
EQT Midstream
625 Liberty Avenue
Pittsburgh, PA 15222

CPF 1-2013-1020M

Dear Mr. Cooper:

From September 25 to 27, 2012, 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 EQT Midstream's (EQT) Public Awareness Program titled *Public Awareness Program, Revision 5, September 10, 2012 (Public Awareness Program)*, in Pittsburgh, Pennsylvania.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within EQT'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).**

EQT's written continuing public education program, *Public Awareness Program*, was inadequate because it failed to reference the edition of API RP 1162 as seen in § 192.7.

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.**

EQT's written continuing public education program, *Public Awareness Program*, was inadequate because it failed to follow the guidance in API RP 1162 Section 4. Specifically, EQT did not have a detailed written

process for providing programs in both English and in other languages commonly used by significant concentration of non-English speaking population along the pipeline.

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.”

During the inspection, EQT representative provided records demonstrating that EQT reviewed 2010 census data for the non-English population along their pipeline. However, the *Public Awareness Program* did not have information on what data was reviewed and evaluated. Consequently, there was no information about the frequency of evaluation and defining “significant number and concentration.”

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.

EQT’s written continuing public education program, *Public Awareness Program*, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 7.1 and assess the unique attributes and characteristics of its pipeline and facilities. Specifically, the *Public Awareness Program* failed to follow Section 7.1(g), which states that the written program should include the program evaluation process, including the methodology to be used to perform the evaluation and analysis of the results and criteria for program improvement based on the results of the evaluation.

The *Public Awareness Program* did not have a detailed written process on how to determine whether the program had been developed and implemented according to API RP 1162. In addition, the *Public Awareness Program* did not have a detailed written process about how to determine whether the actions undertaken in implementation of API RP 1162 are achieving the intended goals and objectives. Overall, the *Public Awareness Program* lacked procedures for the evaluations outlined in Section 8 of API RP 1162. The *Public Awareness Program* had no information on what metrics/criteria/rational is used to determine if a modification to the baseline program and/or supplemental program enhancements are necessary.

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.

EQT’s written continuing public education program, *Public Awareness Program*, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 4.5 and assess the unique attributes and characteristics of the operator’s pipeline and facilities.

API RP 1162 Section 4.5 Damage Prevention states, “Because even relatively minor excavation activities can cause damage to a pipeline or its protective coating or to other buried utility lines, it is important that operators raise the awareness of the need to report any suspected signs of damage. . . .” The brochures that EQT sent to stakeholders did not contain the information that is recommended in Section 4.5 of API RP 1162.

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 EQT 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 1-2013-1020M** 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*