



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**

OVERNIGHT EXPRESS DELIVERY

November 20, 2013

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

CPF 1-2013-1026

Dear Mr. Barger:

Between January 10-13, 2012, representatives of the West Virginia Public Service Commission (WV PSC) acting as agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the Dominion Transmission, Inc. (DTI) facilities and records in the Cornwell, Chelyan and LL Tonkin operating area of 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. §192.605 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.**

DTI failed to follow its O&M plan regarding restoration of all locking devices and security devices to proper position.

Specifically, DTI SOP 02 / Pressure Limiting, Regulating and Compressor Stations – Inspections and Tests, Revision Date 08/01/2011 Section VI Paragraph A.2 states that:

“The final inspection should include the following”:

Restoration of all locking and security devices to proper position:

NOTE: ... Isolation valves under relief devices should be secured in the open position in a manner that prevents operation by unauthorized personnel.

This was not done. DTI failed to lock the isolation valves on two suction scrubber relief valves located at the Cornwell Compressor Station.

The two unlocked isolation valves were observed during the WV PSC inspection. The WV PSC took photographs of the unlocked isolation valves. DTI representative said that he did not know how long the two isolation valves were unlocked. The valves were locked by DTI after the inspection on January 12, 2012. If the isolation valves were inadvertently closed, the relief valves would be rendered inoperable.

2. § 192.751 Prevention of accidental ignition.

Each operator shall take steps to minimize the danger of accidental ignition of gas in any structure or area where the presence of gas constitutes a hazard of fire or explosion, including the following:

(a) When a hazardous amount of gas is being vented into open air, each potential source of ignition must be removed from the area and a fire extinguisher must be provided.

DTI failed to take steps to minimize the danger of accidental ignition in any structure or area where the presence of gas constitutes a hazard of fire or explosion.

During the field inspection at DTI’s Cornwell Compressor Station, a representative from WV PSC observed and took photographs of:

1. The electrical valve operator for the discharge valve on unit 17 that had an unfilled seal.
2. The electrical valve position indicator on unit 10 gas piping that was missing a plug.

These locations are designated as class 1 division 2 hazardous areas, as defined in the National Electrical Code. The DTI representative said that he did not know the seal on unit 17 was missing, or how long the plug was missing from the valve indicator on unit 10.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a 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 \$30,400 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$30,400

Warning Items

With respect to item 2, we have reviewed the circumstances and supporting documents involved in this case and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to promptly correct this item. Failure to do so may result in additional enforcement action.

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. All material submit in response to this enforcement action may be 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 1-2013-1026** 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 Coy, PE
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

Cc: David Hippchen, WV PSC

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