



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**

**EXPRESS MAIL OVERNIGHT**

December 23, 2013

Shawn L. Patterson  
President Engineering & Project Development  
Columbia Gas Transmission Corp.  
1700 MacCorkle Avenue, SE  
Charleston, WV 25314

**CPF 1-2013-1037**

Dear Mr. Patterson:

Between July 23-31, 2012 inspectors from the New York State Department of Public Service (NYSDPS), acting as agents for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the Columbia Gas Transmission Corporation (CGT) Millennium Pipeline facilities in Kirkwood, NY.

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. §192.603 General Provisions.**
  - (b) Each operator shall keep records necessary to administer the procedures established under §192.605.**

CGT failed to keep adequate records necessary to administer the procedures established under §192.605(c) Abnormal operation. Specifically, the CGT Abnormal Operations Report (AOR) for Work Order Number (WO) B2293112 dated 6/13/2011 did not adequately document what caused the compressor station emergency shutdown (ESD).

CGT Procedure 220.005.003 Version 6, effective 02232011, Paragraph 2.1.1 states..."Record a description to explain the Abnormal Operation (*Required*)". The description recorded on WO B2293112 to explain the abnormal operation states "Station ESD between 10 AM 6/12/11 and 8 AM 6/13/11". The description provided by CGT does not indicate what caused the emergency shutdown. Therefore CGT failed to keep records necessary to administer the procedures established under §192.605.

NYSDPS commented on the inadequate AOR and requested and received a copy of the AOR during the July 2012 inspection.

**2. §192.603 General Provisions.**

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

CGT failed to produce to produce records to show that a capacity review required by §192.743(a) of each and every overpressure protection device had been done in 2011.

CGT representatives stated during the inspection of the Corning Compressor Station that the capacity review is part of an undocumented consideration, and is only documented upon input from the local engineer that there were known changes to the pipeline.

As of 12/17/2012 there had been no records provided by CGT to NYSDPS as requested for overpressure protection device capacity review documentation for 2011.

**3. §192.603 General Provisions.**

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

CGT failed to keep adequate records necessary to administer the procedures established under §192.605. Specifically, CGT Plan No.\_220.02.03\_Sec 3.2.1 and 3.3.1 Effective 12/31/2011 states... “Field population density surveys shall be conducted annually on all pipelines to identify any changes in class location and HCAs. Ongoing surveys will also be conducted throughout the year by Operations, who will identify and document new structures using GPS coordinates and other data with Plan 200.02.01”.

CGT could not produce records to substantiate that they conducted a field population density study in 2011. Therefore, CGT failed to keep records necessary to administer the procedures established under §192.605.

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 violations and has recommended that you be preliminarily assessed a civil penalty of \$24,400 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$24,400

Warning Items

With respect to items 2 and 3, 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.

Proposed Compliance Order

With respect to item 1 pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Columbia Gas Transmission Corporation. 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. All material you 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 1-2013-1037** 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](mailto:Byron.Coy@dot.gov). Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

Additionally, if you choose to respond to this (or any other case), please ensure that any response letter pertains solely to one CPF case number.

Sincerely,

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

Cc: Kevin Speicher, NYSDPS

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

**PROPOSED COMPLIANCE ORDER**

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

1. In regard to Item Number 1 of the Notice pertaining to CGT failure to keep adequate records by not identifying what was the cause of the ESD activation, CGT is to perform an analysis to determine the cause of the ESD activation.
2. CGT shall have 90 days from the receipt of a Final Order to complete the requirements for Item Number 1 of the Notice and forward the completed analysis to Byron Coy, PE, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration.
3. It is requested (not mandated) that CGT maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Byron 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.