



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628
609.771.7800

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED CIVIL PENALTY**

OVERNIGHT EXPRESS DELIVERY

November 9, 2017

Mr. Mark Cluff
VP Safety & Operational Discipline
Williams Field Services
One Williams Center
Tulsa, OK 74172

CPF 1-2017-5032

Dear Mr. Cluff:

From March 6 – 10, 2017, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected Williams Field Services' (Williams) pipeline facility located in Moundsville, West Virginia.

As a result of the inspection, it is alleged that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violation(s) are:

- 1. §195.402 Procedural manual for operations, maintenance, and emergencies**
 - (a) General. Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.**

Williams failed to follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. Specifically, Williams failed to follow its abnormal operating conditions (AOC) procedure for completion of AOC reports.

During the inspection, the PHMSA inspector reviewed, “Abnormal Operating Condition Report” (Record), dated 4/6/16, as well as the relevant procedure, “Abnormal Operating Conditions-Operations and Maintenance” (Procedure), dated 10/21/11.

The Procedure Section 2.9-2.10 states, “The employee correcting the AOC and their supervisor will review and approve the WES-20 – Abnormal Operating Condition Report. The WES-20 – Abnormal Operating Condition Report will be completed and distributed per distribution instructions on the report as soon as the AOC is corrected but no later than one working day following the correction of the AOC. Field Supervisors and Pipeline Control Supervisors shall critique the procedures used to respond to AOCs, and the response of personnel to AOCs for effectiveness, and implement any corrective actions. This critique is to be documented on the WES-20 - Abnormal Operating Condition Report.”

The Record showed no data in the following areas:

- Estimated Review Date of response Operations personnel and controllers
- Estimated Review Date of Procedures for controlling AOC
- Person Correcting and Reviewing AOC
- Reviewing Supervisor and Date

During the inspection, the PHMSA inspector asked Williams about the missing record data and Williams was not able to provide a response.

Therefore, Williams failed to follow its Procedure for handling abnormal operating conditions.

Proposed Civil Penalty

As of April 27, 2017, under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$209,002 per violation per day the violation persists up to a maximum of \$2,090,022 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 \$22,400 as follows:

| <u>Item number</u> | <u>PENALTY</u> |
|--------------------|----------------|
| 1 | \$ 22,400 |

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),

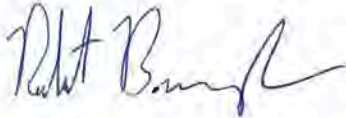
along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Following the receipt of this Notice, you have 30 days to submit written comments, or request a hearing under 49 CFR § 190.211. 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 you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from the receipt of this Notice. This period may be extended by written request for good cause.

Please submit all correspondence in this matter to Robert Burrough, Acting Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, West Trenton, NJ 08628. Please refer to **CPF 1-2017-5032** on each document you submit, and whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to robert.burrough@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,



Robert Burrough
Acting Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

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