U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628
609.771.7800

WARNING LETTER

OVERNIGHT EXPRESS DELIVERY

September 17, 2019

Stanley Chapman
Executive VP & President
Portland Natural Gas Transmission System
700 Louisiana Street
Houston, Texas 77002

CPF 1-2019-1017W

Dear Mr. Chapman:

On July 16-18, 2019 a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), performed an integrated inspection of Portland Natural Gas Transmission System (PNGTS) in Windham, Maine.

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 item(s) inspected and the probable violation(s) 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 once 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.

PNGTS failed to follow its manual of written procedures for conducting operations and maintenance activities. Specifically, PNGTS failed to follow its Brush Control Procedure by not clearing its pipeline right-of-way of overgrown brush and vegetation.

During the inspection, the PHMSA inspector reviewed PNGTS' Brush Control Procedures, effective date 10/14/15 (Procedure). PNGTS' Procedure Section 4.4.1 stated in part, "Clear a minimum of 5m (16ft), includes canopies, each side from the centerline of the pipeline…" Additionally, the Procedure Section 4.2 stated, "…All brush control right-of-way clearing is done: To ensure adequate visibility of signage, markers, and ROW from the air and/or ground."

On July 17, 2019, the PHMSA inspector observed overgrown brush and vegetation in need of remediation along PNGTS' mainline valves and meter stations. Specifically, the Mount Carberry, NH, Berlin, NH and Windham, ME meter stations, and mainline valves 5 through 12, were in need of brush clearing and remediation. When the PHMSA inspector asked PNGTS the status of its right-of-way and brush program, PNGTS responded that due to contractor delays and early/late season snowfalls, there have been multiple delays in clearing of the pipeline right-of-ways.

Therefore, PNGTS failed to follow its Procedure for clearing its right-of-way and ensuring adequate visibility of signage, markers, and right-of-way from the air and/ground.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed $218,647 per violation per day the violation persists, up to a maximum of $2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed $213,268 per violation per day, with a maximum penalty not to exceed $2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed $209,002 per violation per day, with a maximum penalty not to exceed $2,090,022. For violations occurring prior to November 2, 2015, the maximum penalty may not exceed $200,000 per violation per day, with a maximum penalty not to exceed $2,000,000 for a related series of violations. 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 correct the item(s) identified in this letter. Failure to do so will result in Portland Natural Gas Transmission System being subject to additional enforcement action.

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).

No reply to this letter is required. If you choose to reply, please submit all correspondence in this matter to Robert Burrough, Director, PHMSA Eastern Region, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. Please refer to **CPF 1-2019-1017W** 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 USB flash drive accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

For

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