

## WARNING LETTER

### OVERNIGHT EXPRESS DELIVERY

May 28, 2020

Thomas F. Farrell, II  
Chairman, President and Chief Executive Officer  
Dominion Energy  
1 James Ctr.  
Richmond, VA 23219

CPF 1-2020-1020W

Dear Mr. Farrell:

From January 17, 2018 to June 18, 2018, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected records and procedures of Dominion Energy Transmission, Inc. (Dominion) at its main office in Bridgeport, 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 item inspected and the probable violation is:

**1. § 192.631 Control room management.**

**(a) *General.***

**(1) This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section, except that for each control room where an operator's activities are limited to either or both of:**

Dominion failed to follow its written control room management procedures that implemented the requirements of § 192.631(d)(3)<sup>1</sup>. Specifically, Dominion failed to follow its *Fatigue Mitigation*

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<sup>1</sup> § 192.631(d) *Fatigue mitigation*. Each operator must implement the following methods to reduce the risk associated with controller fatigue that could inhibit a controller's ability to carry out the roles and responsibilities the operator has defined:

§ 192.631(d)(3) Train controllers and supervisors to recognize the effects of fatigue; and

*Plan Procedure, Revision Number 12/21/2015, (Fatigue Mitigation Plan)* by not training a controller to recognize the effects of fatigue.

Dominion's *Control Room Management Plan, Revision 4, 1/23/2018* referenced a document called Fatigue Mitigation Plan. The Fatigue Mitigation Plan stated, in part:

“The controllers will be required to take an initial Fatigue Training course through Circadian Technologies where they will be educated on the risks of fatigue and practical tips for managing on the job.”

During the onsite inspection from June 5 to 7, 2018, the PHMSA inspector reviewed initial Fatigue Training course records which included certificates to show that a controller had completed the course. The PHMSA inspector noticed that Dominion did not have a certificate for one controller. This individual had assumed a position as a controller on January 5, 2015, and thus should have received the training by that time. The PHMSA inspector requested Dominion to provide that controller's initial training record, but Dominion could not. Dominion did not present any documentation to show that controller attended or completed its initial Fatigue Training course.

Therefore, Dominion failed follow its written control room management procedures for training controllers to recognize the effects of fatigue.

After PHMSA's on-site inspection, Dominion provided a record to show that that controller completed the initial fatigue training on June 15, 2018 and received a certificate.

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 Dominion Energy Transmission, Inc. 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 1-2020-1020W** 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](mailto: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,

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

CC: Brian Sheppard, Vice President, Eastern Pipeline Operations, Dominion Energy  
Transmission, Inc. (via email)