U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

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

NOTICE OF AMENDMENT

OVERNIGHT EXPRESS DELIVERY

June 12, 2020

Kyle Rhoades
Chief Operating Officer
RH energytrans, LLC
558 West 6th Street, Erie, PA 16507

CPF 1-2020-1022M

Dear Mr. Rhoades:

From April 30, 2019 to May 2, 2019, August 7, 2019 to August 8, 2019, and December 3, 2019 to December 5, 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 inspection on RH energytrans, LLC's (RH energytrans) Risberg Project in Kingsville, Ohio.

On the basis of the inspection, PHMSA has identified apparent inadequacies found within RH energytrans' plans or procedures, as described below:

1. **§ 192.303 Compliance with specifications or standards.**
   Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

RH energytrans' written specifications or standards for constructing each transmission line were inadequate. Specifically, RH energytrans' *General Conditions and Specifications for Pipeline-Construction*, undated (Construction Specification), failed to include training and experience requirements for individuals who perform visual inspection of welding, as prescribed in § 192.241(a).

Section 192.241(a), Inspection and test of welds, states:

> (a) Visual inspection of welding must be conducted by an individual qualified by appropriate training and experience to ensure that:
> (1) The welding is performed in accordance with the welding procedure; and
> (2) The weld is acceptable under paragraph (c) of this section.

During an inspection of the Risberg Project in Kingsville, Ohio from April 30, 2019 to May 2, 2019, a PHMSA Inspector reviewed the Construction Specification. The Construction Specification did not contain requirements prescribed in § 192.241(a), including what appropriate training and experience is required of an individual who performs visual inspection of welds. When asked about the missing requirement, RH energytrans personnel acknowledged that the details were not recorded in the Construction Specifications at the time of the inspection.

Thus, RH energytrans' written specifications and standards required by § 192.303 were inadequate as it pertains to § 192.241(a).

2. § 192.303 Compliance with specifications or standards.
Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

RH energytrans' written specifications or standards for constructing each transmission line were inadequate. Specifically, RH energytrans' *General Conditions and Specifications for Pipeline-Construction*, undated (Construction Specification) failed to include the requirements for the limitations on welders and welding operators prescribed in § 192.229(b).

Section 192.229(b), Limitations on welders and welding operators, states:

> A welder or welding operator may not weld with a particular welding process unless, within the preceding 6 calendar months, the welder or welding operator was engaged in welding with that process.

During an inspection of the Risberg Project in Kingsville, Ohio from April 30, 2019 to May 2, 2019, a PHMSA Inspector reviewed the Construction Specification. It was noted during the review that details regarding limitations on welders and welding operators were not included in the Welding Procedures regarding § 192.229(b). When asked about the missing requirement, RH energytrans personnel acknowledged that the details were not recorded in the Construction Specifications at the time of the inspection.

Thus, RH energytrans' written specifications and standards required by § 192.303 were inadequate as it pertains to § 192.229(b).

3. § 192.303 Compliance with specifications or standards.
Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

RH energytrans' written specifications or standards for constructing each transmission line were inadequate. Specifically, RH energytrans' *General Conditions and Specifications for Pipeline-Construction*, undated (Construction Specification) failed to specify requirements for pressure test records as prescribed in § 192.517(a).

Section 192.517(a), Records, states:

> (a) Each operator shall make, and retain for the useful life of the pipeline, a record of each test performed under §§192.505 and 192.507. The record must contain at least the following information:
>
> (1) The operator's name, the name of the operator's employee responsible for making the test, and the name of any test company used.
>
> (2) Test medium used.
>
> (3) Test pressure.
>
> (4) Test duration.
>
> (5) Pressure recording charts, or other record of pressure readings.
>
> (6) Elevation variations, whenever significant for the particular test.
>
> (7) Leaks and failures noted and their disposition.

During an inspection of the Risberg Project in Kingsville, Ohio from April 30, 2019 to May 2, 2019, a PHMSA Inspector reviewed the Hydrostatic Pressure Test Procedures. It was noted during the review that no specific requirements for pressure test records as prescribed in § 192.517(a) were contained in the Construction Specification. When asked about the missing requirements, RH energytrans personnel noted that the company did not have a procedure during the time of the inspection regarding the records requirement in § 192.517(a).

Thus, RH energytrans' written specifications and standards required by § 192.303 were inadequate as it pertains to § 192.517(a).

4. § 192.303 Compliance with specifications or standards.
Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

RH energytrans' written specifications and standards for constructing each transmission line were inadequate. Specifically, RH energytrans' construction standards for coating inspection failed to adequately address the requirements of § 192.307 regarding pipe that was installed via horizontal directional drilling (HDD).

Section 192.307, Inspection of materials, states:

> Each length of pipe and each other component must be visually inspected at the site of installation to ensure that it has not sustained any visually determinable damage that could impair its serviceability.

During an inspection of the Risberg Project in Kingsville, Ohio from August 7, 2019 to August 8, 2019, a PHMSA inspector requested procedures for assessing and remediating coating that may have been damaged as a result of installation via HDD. RH energytrans provided its *Policy and Procedure Manual*, Pipeline Operations, Northeast Division, Section: Pipeline, Sub Section: Protective Coating, Date Issued/Revised: 5/1/2019 and Document Number: 461-1 (Protective Coating Procedures). However, the Protective Coating Procedures did not address inspecting piping that was installed via HDD at the site of installation, including entry and exit pits in order to ensure that it did not sustain any visually determinable damage that could impair its serviceability as required by § 192.307.

Thus, RH energytrans' written specifications and standards required by § 192.303 were inadequate as it pertains to § 192.307.

5. § 192.303 Compliance with specifications or standards.
Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

RH energytrans' written specifications and standards for constructing each transmission line were inadequate. Specifically, RH energytrans' construction standards for coating inspection failed to adequately address the requirements of § 192.461(e) regarding pipe that was installed via HDD.

Section 192.461(e), External corrosion control: Protective coating, states:

> If coated pipe is installed by boring, driving, or other similar method, precautions must be taken to minimize damage to the coating during installation.

During an inspection of the Risberg Project in Kingsville, Ohio from August 7, 2019 to August 8, 2019, a PHMSA inspector requested procedures for minimizing damage to protective coatings during pipe installation via HDD. RH energytrans provided its Protective Coating Procedures. The Protective Coating Procedures did not address precautions and remediation requirements that may be necessary to satisfy the requirements of § 192.461(e).

Thus, RH energytrans' written specifications and standards required by § 192.303 were inadequate as it pertains to § 192.461(e).

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Enforcement Proceedings*. Please refer to this document and note the response options. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under §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 an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that RH energytrans, LLC maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Robert Burrough, Director, PHMSA Eastern Region, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. Please refer to **CPF 1-2020-1022M** 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.

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
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

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