



CPN PIPELINE COMPANY

60 RIVER ROAD
RIO VISTA, CA 94571

VIA FEDEX AND EMAIL
NYSE CPN

January 6, 2022

Mr. Robert Burrough Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration
840 Bear Tavern Road , Suite 300
West Trenton, NJ 08628

RE: Response to Notice of Probable Violation, and Proposed Compliance Order CPF 1-2021-065-NOPV

Dear Mr. Burrough,

Herein Fore River Energy Center (FREC) responds to your letter dated December 10, 2021 and the inspection of the FREC pipeline in Weymouth, Massachusetts by a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), from February 22, 2021 through September 8, 2021. PHMSA identified four (4) items of notice of probable violation (NOPV), and one (1) proposed compliance order. While PHMSA did not extend further enforcement action for NOPV Items 1,3, & 4 FREC would like to take this opportunity to apprise PHMSA of FREC's corrective actions, even though it was not requested.

Each of the NOPVs, as well as FREC response are set forth below.

In response to the Proposed Compliance Order regarding item #2 below, actions taken to date are provided and the training documentation will be provided, when completed, at a later date, but within 90 days of Final Compliance Order.

- #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.**

FREC failed to follow its manual of written procedures. Specifically, FREC failed to follow its *Section 208 - Training [195. 403]* (Training Procedure) procedures regarding emergency response training program reviews required by § 195.403(b).¹

¹ 49 CFR 195.403(b) At the intervals not exceeding 15 months, but at least once each calendar year, each operator shall:

- (1) Review with personnel their performance in meeting the objectives of the emergency response training program set forth in paragraph (a) of this section; and
- (2) Make appropriate changes to the emergency response training program as necessary to ensure that it is effective.

FREC Response:

Section 208.1(d) & (e) have been revised to include in the procedure and in the CBT process a written test following annual emergency response training to confirm training objectives are being met. An annual evaluation of the training program will be conducted and documented on the **Annual Training Review Form** to determine if changes are needed in the training. See attached Exhibit A – Section 208.1 Training, and Exhibit B – **Annual Training Review Form**.

#2 §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.**

FREC failed to follow its manual of written procedures. Specifically, FREC failed to follow its Training Procedure regarding training and knowledge verification of its supervisors in accordance with §195.403(c).²

FREC Response:

Section 208.1(e) has been revised to include a process for the Plant Manager to conduct an annual review using the **Annual Supervisor Review** form to verify the supervisor's knowledge of the emergency response procedures. - see attached Exhibit A – Section 208.1 Training, and Exhibit C – **Annual Supervisor Review Form**.

#3 §195.402 Procedural manual for operations, maintenance, and emergencies.

- (a) ...
(c) Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:
(1) ...
(13) Periodically reviewing the work done by operator personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

FREC failed to periodically review the work done by its personnel to determine the effectiveness of its procedures used in normal operation and maintenance, and take corrective action where deficiencies were found.

² § 195.403 Emergency response training.

(a) ...

(c) Each operator shall require and verify that its supervisors maintain a thorough knowledge of that portion of the emergency response procedures established under § 195.402 for which they are responsible to ensure compliance.

FREC Response:

Section 208.1(g) Has been revised to include a process for the Plant Manager or designee to conduct an annual review using the **Review of Work Performed by Operators** form to verify the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found. - see attached Exhibit A – Section 208.1 Training, and Exhibit D – **Review of Work Performed by Operator Form**.

#4 §195.577 What must I do to alleviate interference currents.

(a) For pipelines exposed to stray currents, you must have a program to identify, test for, and minimize the detrimental effects of such currents.

FREC failed to have a program in place to identify, test for, and minimize the detrimental effects of stray currents. Specifically, FREC failed to test for and minimize detrimental effects of stray interference currents on their pipeline system.

FREC Response:

Section 400 – 12.0 DC Interference has been revised to include a process of inspection for stray currents during the annual CP survey. A column has also been added to **Cathodic Protection Data** form to document the presence of stray current interference. See attached Exhibit E – **O&M Section 400 – Corrosion Control** subsection 12, and Exhibit F – **Cathodic Protection Data Form**.

We hope these updates to our procedures have addressed your concerns. If you have additional questions, or would like to discuss these revisions, please contact me at 707-374-1505.

Respectfully,



Scott Vickers
Compliance Manager

Cc: Charles Parnell, Plant Manager - FREC
Chris Delaney – Engineering and Compliance Manager – CPN Pipeline
Lyle Fedje – Director – CPN Pipeline
David Lamoreaux, Calpine Regional Managing Counsel

Enclosures: Exhibit A - Section 208.1 – Training
Exhibit B – Annual Training Review Form
Exhibit C - Annual Supervisor Review Form
Exhibit D - Review of Work Performed by Operators Form
Exhibit E - Subsection 12 – DC Interference (Corrosion Control)
Exhibit F - Cathodic Protection Data Form