



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

233 Peachtree Street Ste. 600
Atlanta, GA 30303

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 16, 2018

Mr. Paul E. Ruppert
President, Gas Transmission
Dominion Energy
120 Tredegar Street
Richmond VA 23219

CPF 2-2018-1002W

Dear Mr. Ruppert:

On May 2, 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 the Dominion Energy Carolina Gas Transmission, LLC (DECGT) Drug and Alcohol Programs in Columbia, South Carolina.

As a result of the inspection, it is alleged that DECGT has 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. §199.105 Drug tests required.

Each operator shall conduct the following drug tests for the presence of a prohibited drug:

... (c) *Random testing.*

... (5) The selection of employees for random drug testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

DECGT did not use a random drug testing selection process in 2016 and 2017 that ensured each covered employee had an equal chance of being tested each time selections were made.

During the PHMSA Drug and Alcohol inspection on May 2, 2018, DECGT personnel self-reported that they had discovered an error in DECGT's 2016 and 2017 random drug testing selection process. The Carolina Gas Transmission (CGT) Drug & Alcohol testing programs were taken over by Dominion Energy at the corporate level when Dominion Energy acquired CGT in early 2016. During the transition, a process error resulted in 69 DECGT covered employees being inadvertently left out of the random drug testing selection pool. No other Dominion Energy companies were affected.

As a result of this discovery, DECGT initiated and completed pre-employment drug testing for all of the affected covered employees and is undertaking an investigation to prevent this from happening during any future acquisitions.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, DECGT is 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. 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 identified in this letter. Failure to do so will result in Dominion Energy Carolina Gas Transmission, LLC being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 2-2018-1002W**. 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).

Sincerely,



James A. Urisko
Director, Office of Pipeline Safety
PHMSA Southern Region