

## WARNING LETTER

### **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

November 12, 2019

Mr. Mike Johnson  
Vice President Operations  
Aera Energy LLC  
10000 Ming Ave.  
P.O. Box 11164 93389  
Bakersfield, CA 93311-1164

**CPF 5-2019-0025W**

Dear Mr. Johnson:

On August 12 through 15, 2019, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected your Gas Plant #7 to SoCal transmission gas line in Ventura, California.

As a result of the inspection, it is alleged that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violations are:

**1. § 192.706 Transmission lines: Leakage surveys.**

Leakage surveys of a transmission line must be conducted at intervals not exceeding 15 months, but at least once each calendar year...

In 2016, Aera Energy did not perform leakage surveys for their Gas Plant #7 to SoCal transmission gas line.

## 2. §192.805 Qualification program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (a) ...
- (b) Ensure through evaluation that individuals performing covered tasks are qualified;
- (c) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified;

### For covered task: Pressure Relief Valve Inspection

- No Operator Qualification (OQ) records were provided for Joe Piles. Mr. Piles performed the Pressure Relief Valve Inspection covered task on the pressure relief valves, DOT 4 and DOT 6, on February 13, 2014 and February 10, 2015.<sup>1</sup>

### For covered task: ROW Patrol

- Employee #1 was not qualified to perform this covered task from April 2, 2015 to December 31, 2015. Mr. Eiser performed the ROW Patrol covered task on August 14, 2015 and November 25, 2015 without direction and observation by an individual that was qualified.
- Employee #2 was not qualified to perform this covered task from March 23, 2018 to July 15, 2018. Mr. Smith performed the ROW Patrol covered task on May 15, 2018 without direction and observation by an individual that was qualified.

### For covered task: Mainline Valve Inspection

- Employee #1 was not qualified to perform this covered task from April 2, 2015 to December 31, 2015. Mr. Eiser performed the Mainline Valve Inspection covered task on August 14, 2015 and November 25, 2015 without direction and observation by an individual that was qualified.
- Employee #2 was not qualified to perform this covered task from March 23, 2018 to July 15, 2018. Mr. Smith performed the Mainline Valve Inspection covered task on May 15, 2018 without direction and observation by an individual that was qualified.

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,

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<sup>1</sup> 49 C.F.R. § 192.807(b) requires operators to maintain records supporting an individual's current qualification while he/she is performing the task, and records of prior qualification and records of individuals no longer performing tasks for a period of five years.

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 items identified in this letter. Failure to do so will result in Aera Energy 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 2019-0025W**. 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,

Dustin B. Hubbard  
Director, Western Region  
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry  
PHP-500 Y. Liang (#162705)