U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628
609.771.7800

NOTICE OF PROBABLE VIOLATION
and
PROPOSED COMPLIANCE ORDER

OVERNIGHT EXPRESS DELIVERY

August 6, 2018

Mr. Brian Sheppard
VP, Pipeline Operations
Dominion Energy Transmission, Inc.
925 Whiteoaks Boulevard
Bridgeport, WV 26330

CPF 1-2018-1017

Dear Mr. Sheppard:

From November 14 – 15, 2017, 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 TL-342 Retest & Replacement construction project in Wetzel County, WV.

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 items inspected and the probable violation(s) are:

1. **§ 192.13 What general requirements apply to pipelines regulated under this part?**

   (b) No person may operate a segment of pipeline listed in the first column that is replaced, relocated, or otherwise changed after the date in the second column, unless the replacement, relocation or change has been made according to the requirements in this part.

Pipeline	Date
Offshore gathering line	July 31, 1997
Regulated onshore gathering line to which this part did not apply until April 14, 2006	March 15, 2007
All other pipelines	November 12, 1970

Dominion failed to replace portions of a transmission pipeline, performed after November 12, 1970, in accordance with the requirements of 49 CFR Part 192. Specifically, Dominion failed to meet the Class 2 location cover requirements of § 192.327 when it replaced approximately 348 feet of its TL-342 pipeline.

From September to October 2017, Dominion replaced portions of its TL-342 pipeline due to a change in class location from class 1 to class 2.

Section 192.327 establishes the minimum cover required for installing buried transmission lines subject to Part 192. This requirement applies to both the construction of new pipelines, and to replacing, relocating, or otherwise changing existing transmission lines, as established by § 192.13(b).

Section 192.327(a) states:

Except as provided in paragraphs (c), (e), (f), and (g) of this section, each buried transmission line must be installed with a minimum cover as follows:

	Inches (Millimeters)	
Location	**Normal soil**	**Consolidated rock**
Class 1 locations	30 (762)	18 (457)
Class 2, 3, and 4 locations	**36 (914)**	24 (610)
Drainage ditches of public Roads and railroad crossings	36 (914)	24 (610)

During the inspection, the PHMSA inspector reviewed Mainline Pipe "As-Built Talley" records for the completed replacement project. The records indicated numerous depth of cover measurements at tie-in welds that were less than 36 inches, which is the minimum depth of cover required in Class 2 locations for normal soil, per § 192.327(a).

Subsequently, the PHMSA inspector asked Dominion for clarification on what the recorded depth of cover values represent, and their relation to the depth of cover of the associated segment of replacement pipe. Per email response from Dominion dated November 22, 2017, "The depth of cover was specifically for the weld site/tie-in point. However, the pipe was not bent and no additional fill was brought in, as to maintain the existing right-of-way. Therefore, the depth of cover would be similar to the tie-in point for the entire joint of pipe."

Based on this information and the records provided, eleven (11) segments of newly installed pipe ranging from 10 feet to over 40 feet long (for a total of 348.12 feet) were installed without meeting the required cover of 36" for class 2 locations. Measurements of soil cover for the eleven segments range from 24 to 30 inches of cover, which is 6 to 12 inches short of the code requirement. These locations are summarized in the table below:

TL-342 Retest & Replacement Area 1 - 24" .375 W x 65M FBE new pipe:

Replacement Segment Length (feet)	Approximate Replacement Segment Soil Cover per As-Built Talley Records (feet)	Replacement Segment short of Class 2 cover requirements by (inches)
32.94	2 Ft [24"]	12"
30.88	2.5 Ft [30"]	6"

TL-342 Retest & Replacement Area 2- 24" .375 W x 65M FBE new pipe:

20.49	2.5 Ft	6"
41.62	2 Ft	12"
43.44	2.5 Ft	6"
40.41	2 Ft	12"
10.49	2.5 Ft	6"
20.48	2.5 Ft	6"
11.35	2 Ft	12"

TL-342 Retest & Replacement Area 3- 24" .375 W x 65M FBE new pipe

28.86	2.75 Ft [33 in]	3"

TL-342 Retest & Replacement Area 3- 24" .500 W x 65M FBE new pipe

40.57	2 Ft	12"

Therefore, Dominion failed to meet the cover requirements of their replacement pipe, in eleven segments of pipe in accordance with § 192.327, as required by § 192.13(b).

Proposed Compliance Order

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are 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 propose a civil penalty assessment at this time.

With respect to item 1, pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Dominion Energy Transmission, Inc. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance 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, or request a hearing under 49 CFR § 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 a Final Order. If you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from receipt of this Notice. This period may be extended by written request for good cause.

Please submit all correspondence in this matter to Robert Burrough, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, West Trenton, New Jersey 08628. Please refer to **CPF 1-2018-1017** 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 a CD 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

Enclosures: *Proposed Compliance Order*
Response Options for Pipeline Operators in Compliance Proceedings

PROPOSED COMPLIANCE ORDER

Pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Dominion Energy Transmission, Inc. (Dominion) a Compliance Order incorporating the following remedial requirements to ensure the compliance of Dominion with the pipeline safety regulations:

1. In regard to Item Number 1 of the Notice pertaining to Dominion's failure to provide sufficient cover for replaced portions of its TL-342 pipeline in class two areas, remediation requirements are as follows:

   a. Dominion shall perform a depth of cover survey on the eleven replaced pipeline segments summarized in Item 1 of the Notice.

   b. Based on the depth of cover survey results, Dominion shall remediate any depth of cover for replaced pipe segments which does not meet the minimum cover requirements of § 192.327.

2. Regarding the timeline for the above stated items:

   a. Dominion shall complete the depth of cover survey required by 1.a. and submit its findings to PHMSA within **90** days of issuance of the Final Order.

   b. Dominion shall remediate the cover for the portions of replaced pipeline confirmed by the depth of cover survey as not having sufficient cover to meet the requirements of § 192.327, as required by 1.b., within **60** days of completion of the survey.

   c. Documentation of the remedial actions taken in 2.b. shall be submitted to PHMSA within **30** days of completion of all remediation.

3. It is requested (not mandated) that Dominion maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Robert Burrough, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.