



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

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

WARNING LETTER

OVERNIGHT EXPRESS DELIVERY

July 25, 2019

Mr. Brian Sheppard
Vice President, Eastern Pipeline Operations
Dominion Energy Transmission, Inc.
925 White Oaks Blvd
Bridgeport, WV 26330

CPF 1-2019-1014W

Dear Mr. Sheppard:

On December 11-12, 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 your Atlantic Coast Pipeline (ACP) in both Doddridge County and Lewis County, West Virginia.

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 item(s) inspected and the probable violation(s) are:

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.

Dominion Energy Transmission, Inc. (DETI) failed to install portions of the ACP in the manner specified in its comprehensive written specifications or standards consistent with Part 192 for constructing transmission lines. Specifically, DETI failed to follow its General Specifications for

Pipeline Construction, dated 5/8/2018 (Construction Specifications), regarding ditching and laying pipe, developed to comply with § 192.319(a).

Section 192.319(a) states:

- (a) When installed in a ditch, each transmission line that is to be operated at a pressure producing a hoop stress of 20 percent or more of SMYS must be installed so that the pipe fits the ditch so as to minimize stresses and protect the pipe coating from damage.

DETI's Construction Specifications stated (emphasis added):

3.0 DITCHING

*3.1 The **ditch shall be excavated to the depth and width designated in the Pipeline Data and the Maps and Plans portions of the Contract***

...

*3.4 Before the pipe is measured for bending, the bottom of the ditch shall be graded and completed by Contractor in a manner that will provide uniform support for the pipeline after it is lowered into the ditch. The ditch shall contain sufficient sacks filled with **sifted, rock-free earth or sand**, or a protective bed of sifted, **rock-free earth or sand for adequate support and protection of the pipeline**. Foam pads COMPANY used for pipe supports are prohibited...*

...

4.0 BENDING, CONDITIONING, AND LAYING PIPE

...

*4.12 The **pipe shall be lowered into the ditch free of loose rocks, wood, welding rods, and metal and other debris**.*

DETI's Atlantic Coast Pipeline Contract, Exhibit A – Scope of Work, states in Section 3:

V) Excavating and grading ditch:

- (i) Minimum width of ditch, subject to Exhibit Q – Drawings, Specifications, and Other Documents:

Spread Number	Ditch Width (inches)
1-1	54 & 42
1-2	54
2-1	54

...

- (1) Ditch must be adequate width to accommodate all inspections, cleaning and coating as per the General Specifications for Pipeline Construction in Exhibit Q – Drawings, Specifications, and Other Documents.

During field inspection of ACP Spreads 1-1 and 2-1 on December 12, 2018, the PHMSA inspectors noted the placement of pipe within the ditch at Broad Run Rd (Spread 1-1) and Democrat Rd (Spread 2-1) were not performed in a manner consistent with § 192.319, DETI's Construction Specifications, and DETI's Scope of Work.

At Broad Run Rd, 42-inch diameter pipe was noted to have been placed within an apparent 42-inch wide, rock laden ditch, leaving it susceptible to potential stresses and/or damage incurred as a result of movement or settlement typically experienced during required hydrostatic testing. The excessively narrow trench also impeded adequate post installation inspection at this location, and is prohibited by DETI's specifications.

At Democrat Rd, 42-inch diameter pipe was noted to have been placed within a rock laden ditch, uncentered, and abutting rock laden trench walls. The PHMSA inspectors also conveyed concern with positioning of pipe within proximity to large unsupported boulders susceptible of damaging the pipeline from settlement above if allowed to remain. The identified conditions also have the potential to be exacerbated in the event of heavy rains and/or washouts.

Therefore, DETI failed to construct the ACP in accordance with its comprehensive written specifications or standards developed to comply with § 192.319(a).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$213,268 per violation per day the violation persists, up to a maximum of \$2,132,679 for a related series of violations. 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 item(s) identified in this letter. Failure to do so will result in Dominion Energy Transmission, Inc. 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 1-2019-1014W**. 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,

A handwritten signature in blue ink, appearing to read "Robert Burrough", with a stylized flourish at the end.

Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration