

April 22, 2022

VIA ELECTRONIC MAIL TO: stanley_chapman_iii@tcenergy.com

Mr. Stanley Chapman
Executive Vice President & President, US NG Pipelines
Columbia Gas Transmission, LLC
7000 Louisiana Street
Houston, Texas 77002

Re: CPF No. 1-2021-045-NOPV

Dear Mr. Chapman:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation, assesses a civil penalty of \$1,064,400, and specifies actions that need to be taken to comply with the pipeline safety regulations. When the civil penalty has been paid and the terms of the compliance order are completed, as determined by the Director, Eastern Region, this enforcement action will be closed. Service of this decision by electronic mail is effective upon the date of transmission and acknowledgment of receipt as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. Robert Burrough, Director, Eastern Region, Office of Pipeline Safety, PHMSA
Ms. Wendy West, Vice President, Safety, Quality & Compliance, TC Energy Corporation,
wendy_west@tcenergy.com
Mr. Lee Romack, Director, Regulatory Compliance, TC Energy Corporation,
lee_romack@tcenergy.com

CONFIRMATION OF RECEIPT REQUESTED

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

In the Matter of

**Columbia Gas Transmission, LLC,
a subsidiary of TC Energy Corp.,**

Respondent.

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CPF No. 1-2021-045-NOPV

FINAL ORDER

On December 22, 2021, pursuant to 49 C.F.R. § 190.207, the Director, Eastern Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to Columbia Gas Transmission, LLC (Respondent), a subsidiary of TC Energy Corporation. The Notice proposed finding that Respondent violated the pipeline safety regulations in 49 C.F.R. Parts 191 and 192 and proposed a civil penalty of \$1,064,400. The Notice also proposed certain measures to correct the violation of § 192.5(b)(3)(ii). Respondent did not contest the allegations of violation, corrective measures, or proposed civil penalty.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 191.5(a) **(Item 1)** — Respondent failed to notify the National Response Center at the earliest practicable moment following discovery, but no later than one hour after confirmed discovery, of the fire/explosion at a residence located on the property of Kemmer's Greenhouse and Farm Market (Kemmer's) in Mayport, Clarion County, Pennsylvania.

49 C.F.R. § 192.473(b) **(Item 2)** — Respondent failed to design and install the impressed current type cathodic protection system or galvanic anode system on Line 134 in the vicinity of Kemmer's so as to minimize any adverse effects on existing adjacent underground metallic structures.

49 C.F.R. § 192.5(b)(3)(ii) **(Item 3)** — Respondent failed to classify a segment of Line 4010 and Line 134 near Kemmer's as a Class 3 location.

These findings of violation will be considered prior offenses in any subsequent enforcement

action taken against Respondent. In accordance with 49 C.F.R. § 190.223, I assess Respondent a total civil penalty of **\$1,064,400**.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require such payment to be made by wire transfer through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMK-325), Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 S MacArthur Blvd, Oklahoma City, Oklahoma 79169. The Financial Operations Division telephone number is (405) 954-8845.

Failure to pay the \$1,064,400 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a district court of the United States.

Compliance Actions

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the actions proposed in the enclosed Notice to correct the violation of § 192.5(b)(3)(ii). The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension. Upon completion of ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

Warning Item

With respect to Item 4, the Notice alleged probable violations of 49 C.F.R. § 192.9(d)(2), but did not propose a civil penalty or compliance order for this item. Therefore, this is considered a warning item. If OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

April 22, 2022

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued