

NOTICE OF AMENDMENT

OVERNIGHT EXPRESS DELIVERY

October 7, 2021

Mr. Jeff Rust
VP of Operations
WBI Energy Transmission, Inc.
PO BOX 131
Glendive, MT 59330

CPF 1-2021-054-NOA

Dear Mr. Rust:

From December 15, 2020 to December 16, 2020, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected WBI Energy Transmission, Inc.'s (WBI) procedures for conducting operations, maintenance, and emergency preparedness and responses activities.

On the basis of the inspection, PHMSA has identified apparent inadequacies found within WBI's plans or procedures, as described below:

1. § 192.12 Underground natural gas storage facilities.

Underground natural gas storage facilities (UNGSTFs), as defined in § 192.3, are not subject to any requirements of this part aside from this section.

(a) ...

(c) *Procedural manuals.* Each operator of a UNGSTF must prepare and follow for each facility one or more manuals of written procedures for conducting operations, maintenance, and emergency preparedness and response activities under paragraphs (a) and (b) of this section. Each operator must keep records necessary to administer such procedures and review and update these manuals at intervals not exceeding 15 months, but at least once each calendar year. Each operator must keep the appropriate parts of these manuals accessible at locations where UNGSTF work is being performed. Each operator must have written procedures in place before commencing operations or beginning an activity not yet implemented.

WBI's manual of written procedures for conducting operations, maintenance, and emergency preparedness and responses activities under § 192.12(b)¹ is inadequate to assure safe operation of a pipeline facility because it failed to include certain reporting requirements under 49 C.F.R. Part 191. Specifically, WBI's written procedure lacked the requirement to submit a supplementary report after an incident report is filed, as needed pursuant to § 191.15(d).²

Thus, WBI's written procedures required by § 192.12(c) were inadequate. WBI must revise its manual to include a procedure requiring submission of a supplemental report, when warranted, after submittal of DOT Form PHMSA F7100.2, in accordance with § 191.15(d).

2. § 192.12 Underground natural gas storage facilities.

Underground natural gas storage facilities (UNGSTFs), as defined in § 192.3, are not subject to any requirements of this part aside from this section.

(a) ...

(c) *Procedural manuals.* Each operator of a UNGSTF must prepare and follow for each facility one or more manuals of written procedures for conducting operations, maintenance, and emergency preparedness and response activities under paragraphs (a) and (b) of this section. Each operator must keep records necessary to administer such procedures and review and update these manuals at intervals not exceeding 15 months, but at least once each calendar year. Each operator must keep the appropriate parts of these manuals accessible at locations where UNGSTF work is being performed. Each operator must have written procedures in place before commencing operations or beginning an activity not yet implemented.

WBI's written procedure for conducting operations, maintenance, and emergency preparedness and responses activities under § 192.12(b) was inadequate to assure safe operation of a pipeline facility because it failed to include certain record retention requirements. Specifically, WBI's *Underground Natural Gas Storage Integrity Management Plan and Procedures*, Section 3.95

¹ § 192.12 Underground natural gas storage facilities.

(a) ...

(b) *Depleted hydrocarbon and aquifer reservoir UNGSTFs.*

(1) Each UNGSTF that uses a depleted hydrocarbon reservoir or an aquifer reservoir for natural gas storage and was constructed after July 18, 2017, must meet all provisions of API RP 1171 (incorporated by reference, see § 192.7), and paragraphs (c) and (d) of this section, prior to commencing operations.

(2) Each UNGSTF that uses a depleted hydrocarbon reservoir or an aquifer reservoir for natural gas storage and was constructed on or before July 18, 2017, must meet the provisions of API RP 1171 (incorporated by reference, see § 192.7), sections 8, 9, 10, and 11, and paragraph (c) of this section, by January 18, 2018, and must meet all provisions of paragraph (d) of this section by March 13, 2021.

² Section 191.15, "Transmission systems; gathering systems; liquefied natural gas facilities; and underground natural gas storage facilities: Incident report," states in relevant part:

(d) *Supplemental report.* Where additional related information is obtained after an operator submits a report under paragraph (a), (b), or (c) of this section, the operator must make a supplemental report as soon as practicable, with a clear reference by date to the original report.

Record Retention, revised July 31, 2020, included a record retention requirement that was inconsistent with the requirements of API RP 1171, Section 6.11.1 *Well Work Records*.

Section 6.11.1 states in relevant part that “[r]ecords of well completion (as-built), well construction and well work activities shall be maintained for the life of the facility.” (emphasis added). Section 3.95 of WBI’s procedures, however, required that “the well file be kept for the life of the well.” (emphasis added.)

Therefore, WBI’s written procedures required by § 192.12(c) were inadequate. WBI must revise its written procedures to ensure it is consistent with the requirements of Section 6.11.1.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. Enclosed as part of this Notice is a document entitled Response Options for Pipeline Operators in Enforcement 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, revised procedures, or a request for a hearing under §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 an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that WBI Energy Transmission, Inc. maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Robert Burrough, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. In correspondence concerning this matter, please refer to **CPF 1-2021-054-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible. Smaller files may be emailed to robert.burrough@dot.gov. Larger files should be sent on USB flash drive accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

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

Enclosure: Response Options for Pipeline Operators in Enforcement Proceedings