

WARNING LETTER

OVERNIGHT EXPRESS DELIVERY

February 23, 2023

Mr. Paul Ruppert
President and Chief Executive Officer
Eastern Gas Transmission and Storage, Inc.
6603 West Broad Street
Richmond, Virginia 23200

CPF 1-2023-016-WL

Dear Mr. Ruppert:

From June 7, 2021, through June 11, 2021, via video-conferenced inspection, and on November 18, 2021, via on-site inspection, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected Eastern Gas Transmission and Storage, Inc.'s (EGTS) procedures and records for control room management of its control room in Bridgeport, West Virginia.

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. § 195.446 Control Room Management.

(a) General. This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section...

EGTS failed to follow its written control room management procedures. Specifically, EGTS failed to verify the correct safety-related alarm set-point values when associated field instruments were calibrated or changed in accordance with its *Hastings Extraction Plant Control Room Management Plan*, 7.3 SCADA Point Review 195.446(e)(2) 195.446(e)(3), Revision 5, 5/31/2021 (Set Point

Procedure) and § 195.446(e)(3)¹.

During the inspection, PHMSA requested EGTS' records to demonstrate compliance with its procedures and § 195.446(e)(3) when field instruments were calibrated or changed during 2019 – 2021, such as SCADA control transmitters or other equipment. EGTS identified that its inspection and calibration records did not indicate that safety-related alarm set point values were verified at these times. However, the Set Point Procedure required the NGL Operations to verify the correct safety related alarm set-point values and alarm descriptions once each calendar year at intervals not exceeding 15 months, and whenever the associated field instruments are calibrated or maintained.

Therefore, EGTS failed to verify safety-related alarm set-point values in accordance with its Set Point Procedure and pursuant to § 195.446(e)(3).

2. § 195.446 Control Room Management.

(a) General. This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section...

EGTS failed to follow its written control room management procedures. Specifically, EGTS failed to determine the effectiveness of its alarm management plan at least once each calendar year, but at intervals not exceeding 15 months in accordance with its *Hastings Extraction Plant Control Room Management Plan*, Alarm Management Plan Review 195.446(e)(4), Revision 5, 5/31/2021 (Alarm Management Review Procedure) and § 195.446(e)(4)².

During the inspection, PHMSA asked EGTS to produce records that demonstrate that its alarm management plan was reviewed at least once each calendar year, but at intervals not exceeding 15 months to determine the effectiveness of the plan. EGTS referred to Section 7.4 of its Alarm Management Review Procedure which required a review of the plan but did not contain details for determining the effectiveness of the plan, such as metrics. This section also stated that the reviews would be documented in EGTS' electronic inspection management system. However, EGTS provided its Section 13 Control Room Management Plan Revision Log, Revision 13, 5/31/2021 as

¹ § 195.446 Control Room Management.

(a) ...

(e) *Alarm management.* Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarms. An operator's plan must include provisions to:

(1) ...

(3) Verify the correct safety-related alarm set-point values and alarm descriptions when associated field instruments are calibrated or changed and at least once each calendar year, but at intervals not to exceed 15 months;

² § 195.446 Control Room Management.

(a) ...

(e) *Alarm management.* Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarms. An operator's plan must include provisions to:

(1) ...

(4) Review the alarm management plan required by this paragraph at least once each calendar year, but at intervals not to exceed 15 months, to determine the effectiveness of the plan.

its record of the annual reviews. A review of the Revision Log from 2018 to 2020 did not demonstrate that a review was completed or that the effectiveness of the plan was determined.

Therefore, EGTS failed to review its alarm management plan to determine its effectiveness in accordance with its Alarm Management Review Procedure and as required by § 195.446(e)(4).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$257,664 per violation per day the violation persists, up to a maximum of \$2,576,627 for a related series of violations. For violation occurring on or after March 21, 2022, and before January 6, 2023, the maximum penalty may not exceed \$239,142 per violation per day the violation persists, up to a maximum of \$2,391,142 for a related series of violations. For violation occurring on or after May 3, 2021, and before March 21, 2022, the maximum penalty may not exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violation occurring on or after January 11, 2021, and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violation occurring on or after July 31, 2019, and before January 11, 2021, the maximum penalty may not 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, 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.

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 Eastern Gas Transmission and Storage, 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 1-2023-016-WL**. 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,

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