

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED CIVIL PENALTY**

OVERNIGHT EXPRESS DELIVERY

June 1, 2023

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

CPF 1-2023-027-NOPV

Dear Mr. Ruppert:

From November 15, 2021, to November 19, 2021, via on-site inspection, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected Eastern Gas Transmission and Storage, Inc.'s (EGT&S) 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. **§ 192.631 Control Room Management.**
 - (a) ...
 - (j) ***Compliance and deviations.* An operator must maintain for review during inspection:**
 - (1) **Records that demonstrate compliance with the requirements of this section; and**

EGT&S failed to maintain records that demonstrate compliance with § 192.631(h)¹. Specifically, EGT&S failed to maintain documentation of a training program for training each controller to carry out their defined roles and responsibilities.

During the inspection, PHMSA requested documentation of a training program for each controller to carry out their roles and responsibilities pursuant to the requirements of § 192.631(h). EGT&S was unable to provide any record of training the controllers to carry out their roles and responsibilities. Additionally, no records were provided to demonstrate how controllers are operator qualified for the covered tasks associated with being a controller.

Therefore, EGT&S failed to maintain records demonstrating compliance with § 192.631(h) as required pursuant to § 192.631(j)(1).

2. § 192.631 Control Room Management.

(a) ...

(j) *Compliance and deviations.* An operator must maintain for review during inspection:

(1) Records that demonstrate compliance with the requirements of this section; and

EGT&S failed to maintain records that demonstrate compliance with § 192.631(f)(2)². Specifically, EGT&S failed to maintain documentation demonstrating that field personnel contacted the control room when making field changes that affect control room operations.

During the inspection, EGT&S was asked to produce documentation of field inspections in accordance with EGT&S's *WP071GL-Inspecting, Maintaining & Lubricating Valves* pursuant to the requirements of § 192.631(f)(2). During review of the records provided, it was noted that the records did not indicate that field personnel notified Gas Control and obtained permission to operate any valve as required by Step 2 of WP071GL. EGT&S's inspection forms did not contain a requirement or data field to document the contacting of the control room before operating any valve, which is a field change that affects control room operations pursuant to § 192.631(f)(2).

Therefore, EGT&S failed to maintain records that demonstrate compliance with § 192.631(f)(2) as required pursuant to § 192.631(j)(1).

Proposed Civil Penalty

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,

¹ Section 192.631(h) requires that an operator's controller training program must provide for training each controller to carry out the roles and responsibilities defined by the operator.

² Section 192.631(f)(2) requires that field personnel contact the control room when emergency conditions exist and when making field changes that affect control room operations.

up to a maximum of \$2,391,412 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 documentation involved for the above probable violations and recommend that you be preliminarily assessed a civil penalty of \$ 26,000 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$ 26,000

Warning Item

With respect to Item 2, 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 promptly correct this item. Failure to do so may result in additional enforcement action.

Response to this Notice

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. All material you submit in response to this enforcement action may be 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 respond as described in the enclosed *Response Options*. 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 the receipt of this Notice. The Region Director may extend the period for responding upon a written request timely submitted demonstrating good cause for an extension.

In your correspondence on this matter, please refer to **CPF 1-2023-027-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

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

Enclosure: *Response Options for Pipeline Operators in Enforcement Proceedings*