

NOTICE OF AMENDMENT

OVERNIGHT EXPRESS DELIVERY

May 25, 2023

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

CPF 1-2023-029-NOA

Dear Mr. Ruppert:

From November 1 – 3, 2022, a representative 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 (EGT&S) procedures for Operator Qualifications in Renovo, Pennsylvania.

As a result of the inspection, PHMSA has identified the apparent inadequacy found within ETS plans or procedures. The item inspected and the inadequacy is described below:

1. 49 C.F.R. § 192.807 Recordkeeping.

Each operator shall maintain records that demonstrate compliance with this subpart.

(a) Qualification records shall include:

(1) Identification of qualified individual(s);

(2) Identification of the covered tasks the individual is qualified to perform;

(3) Date(s) of current qualification; and

(4) Qualification method(s).

(b) Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years.

EGT&S' operator qualification (OQ) procedures for complying with § 192.807 were inadequate.

During the inspection, the PHMSA inspectors reviewed field maintenance records for monitoring

corrosion coupons pursuant to § 192.477.¹ The coupon maintenance task involves two covered tasks as identified by EGT&S' OQ program: 1) OQ ID: I09.0131: inserting or removing the corrosion coupon; and 2) OQ ID: M05.0301: operating field valves. The 43 records provided were dated between 1/2021 – 10/2022 for four separate corrosion coupon maintenance locations. All the records provided included the maintenance task date, location, and inspector's name, *etc.* However, none of the individuals identified on the records as "Inspector" were operator qualified for both covered tasks required to complete this task as identified by EGT&S. Additionally, discussions during the inspection confirmed that a portion of the records identified employees as the task inspector. EGT&S submitted information which stated these employees do not work in the field and thus were inaccurate.

EGT&S provided PHMSA with a post-inspection document based on their recent research of past field timesheets and emails to attempt to identify the individuals who they believe performed the covered tasks. Several of the records stated that a vendor had performed the coupon installation/removal covered task; however, EGT&S stated that the vendor information is not correct and post-inspection documentation disputed the record information.

Each of the original (43) records reflected discrepancies with documenting who performed the required covered tasks. PHMSA questioned if any of EGT&S' procedures require the documentation as to who performed the covered task on their compliance records. EGT&S stated they did not currently have that as a requirement in their procedures.

Documentation of individuals who perform specific covered tasks is required to demonstrate compliance with the OQ regulations as a whole, and particularly with § 192.805(b) and (d) such that it can be ensured individuals performing covered tasks are actually qualified.² Without a procedure to ensure timely and clear documentation of who performed the covered task per location and date, alternative processes like backtracking by looking at timesheets, *etc.* leave substantial room for error and inconsistency, are not addressed by EGT&S' OQ procedures, and are not compliant with Part 192.³

¹ § 192.477 Internal corrosion control: Monitoring.

If corrosive gas is being transported, coupons or other suitable means must be used to determine the effectiveness of the steps taken to minimize internal corrosion. Each coupon or other means of monitoring internal corrosion must be checked two times each calendar year, but with interval not exceeding 7 1/2 months.

² § 192.805 Each operator shall have and follow a written qualification program. The program shall include provisions to:

...

(b) Ensure through evaluation that individuals performing covered tasks are qualified.

...

(d) Evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident as defined in Part 191;

³ See, e.g., *In the matter of Kinder Morgan CO2 Company, LLC*, Decision on Petition for Reconsideration, CPF No. 5-2021-002-NOA (Mar. 22, 2023), stating, "At their core, the primary purpose of the OQ regulations is to ensure that the individual assigned by an operator to perform a covered task was fully trained and qualified to perform that task. If a review of the covered tasks performed on a given day or at a given project location does not indicate which individuals performed one or more of the covered tasks, it is not possible to determine if the individual was qualified to perform such task and not possible to determine whether compliance with the OQ regulations was achieved. Such an outcome would negate the core purpose and effect of the OQ regulations, which is to ensure it can be verified that individuals performing pipeline repair tasks are qualified to perform those tasks" (emphasis added). Available online at: https://primis.phmsa.dot.gov/comm/reports/enforce/CaseDetail_cpf_52021002NOA.html?nocache=2418#_TP_1_tab_2.

Therefore, EGT&S' OQ written procedures are inadequate. EGT&S must amend its procedures for maintaining records to ensure that each individual who performs a covered task under the OQ regulations is identifiable for the purpose of determining compliance with the OQ regulations.

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 Compliance 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 EGT&S 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. In correspondence concerning this matter, please refer to **CPF 1-2023-029-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

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

Enclosure: Response Options for Pipeline Operators in Enforcement Proceedings