

June 26, 2023

Mr. Robert Burrough
Director, Eastern Region
Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
840 Bear Tavern Road, Suite 300
West Trenton, New Jersey 08628

Re: CPF 1-2023-029-NOA

Dear Mr. Burrough:

Please find the Eastern Gas Transmission and Storage, Inc. (EGTS) response to Notice of Amendment CPF 1-2023-029-NOA, dated May 25, 2023. Specifically, PHMSA noted the following apparent inadequacy within EGTS plans or procedures:

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: I109.0131: 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

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 ½ months.

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's OQ procedures, and are not compliant with Part 192.³

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.

EGTS Response:

PIP-1002 (Statement of Policy), Section 5 (Procedure), Subsection 5.1 (Statement of Policy), was revised to include the following requirement:

The records of the performance of the activities described within the SOPs shall indicate the name(s) of the individual(s) who performed the activity. This ensures that each

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.

individual who performed a covered task per TRN-2001 Operator Qualification (OQ) Plan is identifiable for the purpose of demonstrating compliance with 49 CFR Part 192 Subpart N. If a record of the performance of an activity described within the SOPs is documented by another individual on behalf of the individual(s) who performed the activity, then the record of the performance of the activity shall indicate the name(s) of the individual(s) who performed the activity in the comments, remarks, or notes. Refer to TRN-2001 Operator Qualification (OQ) Plan.

The revised PIP-1002 (Statement of Policy) is included with this response.

If you have any questions, concerns, or should require additional information, please contact Dan Stahl at 681-842-3365 (office) or 304-266-6062 (mobile).

Respectfully,



John M. Lamb
Vice President, Eastern Pipeline Operations
Eastern Gas Transmission and Storage, Inc.
BHE Gas Transmission and Storage, Inc.