

WARNING LETTER

VIA ELECTRONIC MAIL TO: restabrook@douglaspipeline.com

May 21, 2025

Mr. Ryan Estabrook
President
Douglas Pipeline Company
901 Castle Shannon Blvd.
Pittsburgh, Pennsylvania 15234

CPF 1-2025-025-WL

Dear Mr. Estabrook:

From February 22 through July 24, 2024 a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) performed an integrated inspection of Douglas Pipeline Company's (DPC) pipeline facilities in Shawville, Pennsylvania.

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 item inspected and the probable violation is:

1. § 192.616 Public awareness.

(a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see § 192.7).

DPC failed to develop and implement its written continuing public education program. Specifically, DPC failed to follow its Public Awareness Program (PAP) by not identifying and providing public awareness messaging to certain entities who engage in excavation within the counties that DPC operates from 2022 to 2023.

DPC's PAP section 6.4.1 *Method of Determining Target List – Excavators*, stated:

[a] list of excavators will be developed using data information from locate requests during the previous calendar year, or 12-month period preceding the mailing and Standard Industrial Classification "SIC" designations relating to excavation activity, as well as other sources that may provide data or resources that assist with the identification of entities engaged in excavation within the county in which Douglas operates.

In addition, American Petroleum Institute Recommended Practice 1162, 1st edition Table 2-1.4 outlines the recommendation for distributing public awareness material to excavators at an annual baseline frequency.

During the inspection, PHMSA selected Glenn O Hawbaker INC from an 811 one call ticket dated on 1/5/2022 and requested to review DPC's mail-out records during the period 2022 to 2023. There were no mail-outs sent to Glenn O Hawbaker INC during the period 2022 to 2023.

PHMSA then requested the one-call tickets for the period 2021 to 2023 and DPC's distribution master list of public awareness materials to all its stakeholders for 2022 to 2023. The review of this documentation indicated that:

- AM Logging LLC had a one-call ticket delivered and had conducted excavation activity on 11/1/2021 in DPC's area. However, AM Logging LLC was not identified as an excavator or other stakeholder in DPC's master mailing list for 2022 to 2023.
- Glenn O Hawbaker INC had several one-call tickets delivered and had conducted excavation activities on 11/22/2022 and 03/14/2023 in DPC's area. However, Glenn O Hawbaker INC was not identified as an excavator or other stakeholder in DPC's master mailing list for 2022 to 2023.
- Keystone Clearwater Solutions had a one-call ticket delivered and had conducted excavation activity on 02/09/2023 in DPC's area. Therefore, Keystone Clearwater Solutions is expected to be listed as an excavator in the 2024 DPC master mailing list.
- United Electric had a one-call ticket delivered and had conducted excavation activity on 02/28/2023 in DPC's area. Therefore, United Electric is expected to be listed as an excavator in the 2024 DPC master mailing list.
- Girard Township had a one-call ticket delivered and had conducted excavation activity on 11/15/2023 in DPC's area. Therefore, Girard Township is expected to be listed as an excavator in the 2024 DPC master mailing list.

Therefore, DPC failed follow its PAP by failing to provide public awareness communications to known excavators between the years 2022 – 2023 pursuant to compliance with section 192.616(a).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$272,926 per violation per day the violation persists, up to a maximum of \$2,729,245 for a related series of violations. For violation occurring on or after December 28, 2023 and before December 30, 2024, the maximum penalty may not exceed \$266,015 per violation per day the violation

persists, up to a maximum of \$2,660,135 for a related series of violations. For violation occurring on or after January 6, 2023 and before December 28, 2023, the maximum penalty may not 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.

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 item identified in this letter. Failure to do so will result in Douglas Pipeline Co 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 1-2025-025-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