

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY**

In the Matter of	)	
	)	
	)	
Texas Gas Transmission, LLC,	)	CPF No. 3-2022-019-NOPV
	)	
Respondent.	)	
	)	

**Request for Hearing and Preliminary Statement of Issues
of Texas Gas Transmission, LLC,
and Request for Settlement Meeting**

Pursuant to § 190.208(a)(4) and § 190.211, Texas Gas Transmission, LLC (Texas Gas), submits a Request for Hearing and Preliminary Statement of Issues regarding the Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice) issued on January 21, 2022 following an inspection conducted by the Office of Pipeline Safety (OPS). On February 2, 2022, the Pipeline and Hazardous Materials Safety Administration (PHMSA) approved by email an extension until April 21, 2022 to respond to the Notice. Therefore, this Response is timely.

The Notice alleges 13 probable violations. Texas Gas does not contest the allegations and proposed remedies contained in Item 1, Item 2, Item 3, Item 4, Item 7, Item 9, Item 10 and Item 12.

Texas Gas is committed to public safety and operating its pipeline facilities in accordance with PHMSA's regulations. Texas Gas takes PHMSA's allegations of violation seriously, however, certain allegations in the Notice are legally and factually unsupported and must be withdrawn. Texas Gas contests Item 5, Item 6, Item 8, Item 11, and Item 13. Texas Gas requests a hearing on these items. Concurrently with this request, Texas Gas also has filed a written response with respect to the contested items in the Notice.

As permitted under 49 U.S.C. § 60117(b)(1), Texas Gas requests a settlement meeting to discuss resolution of the alleged violations. Texas Gas requests that the presiding official delay scheduling a hearing to allow the parties sufficient time to convene a meeting to resolve issues through a settlement.

Request for Hearing

Texas Gas requests that PHMSA convene an in-person hearing regarding Item 5, Item 6, Item 8, Item 11, and Item 13.

Texas Gas will be represented by legal counsel at the hearing and intends to raise the issues identified below in its Preliminary Statement of Issues.

Preliminary Statement of Issues

Texas Gas intends to raise the issues set forth below in a hearing in this case. Texas Gas reserves the right to revise these issues at or before the hearing based on any additional information that may be provided in this proceeding.

Item 5 § 192.605(a) Procedural manual for operations, maintenance, and emergencies.

Whether the facts stated in the Notice regarding the status of the gas detector units are incorrect.

Whether OPS failed to satisfy its burden of proving that Texas Gas failed to comply with the Operations and Maintenance Manual.

Whether OPS failed to satisfy its burden of proving the existence of a violation of § 192.605(a) because the allegation is unsupported by the facts and evidence in the case file.

Whether the allegation is unsupported by the Pipeline Safety Laws and is inconsistent with the relevant Part 192 regulations, PHMSA case law and guidance.

Whether the proposed compliance order is inappropriate and unsupported by the facts, the case file, the Pipeline Safety Laws, and relevant Part 190 and Part 192 regulations.

Item 6 § 192.605(b)(8) Procedural manual for operations, maintenance and emergencies.

Whether OPS failed to satisfy its burden of proving that Texas Gas failed to document periodic reviews of the effectiveness and adequacy of procedures under § 192.605(b)(8).

Whether OPS failed to satisfy its burden of proving the existence of a violation of § 192.605(b)(8) because the allegation is unsupported by the facts and the evidence in the case file.

Whether the allegation is unsupported by the Pipeline Safety Laws and is inconsistent with the relevant Part 192 regulations, PHMSA case law and guidance.

Whether the proposed compliance order is inappropriate and unsupported by the facts, the case file, the Pipeline Safety Laws and relevant Part 190 and Part 192 regulations.

Item 8 § 192.619(a)(1) Maximum allowable operating pressure: Steel or plastic pipelines.

Whether OPS violated § 190.207(b)(i) by failing to include a statement of evidence upon which the allegations are based.

Whether the Notice fails to explain its conclusions in a manner that enables Texas Gas to prepare an adequate response.

Whether OPS failed to satisfy its burden of proving that an MAOP that is based on § 195.555(d)(2) becomes invalid based solely on a change in class location.

Whether OPS failed to satisfy its burden of proving that Texas Gas was required to confirm or verify MAOP under § 192.611 after a class location change.

Whether OPS failed to satisfy its burden of proving a violation § 192.619(a)(1) because the allegation is unsupported by the facts and the evidence in the case file.

Whether the allegation is unsupported by the Pipeline Safety Laws and is inconsistent with the relevant Part 192 regulations, PHMSA case law and guidance.

Whether the proposed compliance order is inappropriate and unsupported by the facts, the case file, the Pipeline Safety Laws and relevant Part 190 and Part 192 regulations.

Whether the proposed civil penalty is inappropriate and unsupported by the facts, the case file, the Pipeline Safety Laws and relevant Part 190 and Part 192 regulations.

Item 11 § 192.706(a) Transmission lines: Leakage surveys.

Whether OPS failed to satisfy its burden of proving that the leak detection devices used by Texas Gas to perform leakage surveys were improper.

Whether OPS failed to satisfy its burden of proving that Texas Gas performed leakage surveys in the locations identified in the Notice using allegedly improper leak detection equipment.

Whether OPS failed to satisfy its burden of proving a violation of § 192.706(a) because the alleged violation is unsupported by the facts or the evidence in the case file.

Whether the allegation is unsupported by the Pipeline Safety Laws and is inconsistent with the relevant Part 192 regulations, PHMSA case law and guidance.

Whether the proposed compliance order is inappropriate and unsupported by the facts, the case file, the Pipeline Safety Laws and relevant Part 190 and Part 192 regulations.

Whether the proposed civil penalty is inappropriate and unsupported by the facts, the case file, the Pipeline Safety Laws and relevant Part 190 and Part 192 regulations.

Item 13: § 192.947(d) What records must an operator keep?

Whether OPS failed to satisfy its burden of proving that the documentation supporting Texas Gas's preventative and mitigative measures did not justify the measures selected.

Whether OPS failed to satisfy its burden of demonstrating that Texas Gas violated § 192.947(d)) because the alleged violation is unsupported by the facts or the evidence in the case file.

Whether the allegation is unsupported by the Pipeline Safety Laws and is inconsistent with the relevant Part 192 regulations, PHMSA case law and guidance.

Whether OPS failed to satisfy its burden of proving that the proposed civil penalty is inappropriate and unsupported by the facts, the case law, the Pipeline Safety Laws, and relevant Part 190 and Part 192 regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tony G. Rizk", with a stylized flourish at the end.

Tony G. Rizk, P. E.
Vice President, Technical Services

April 13, 2022

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