

CERTIFIED MAIL

June 14, 2023

Mr. Bryan Jeffery Lethcoe
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration
8701 S. Gessner, Suite 630
Houston, TX 77074

RE: CPF 4-2023-033-NOPV

Dear Mr. Lethcoe,

This letter is the formal response by Cove Point LNG, LP (CPLNG) to Notice of Probable Violation (NOPV) CPF 4-2023-033-NOPV dated April 21, 2023. CPF 4-2023-033-NOPV was issued following the conclusion of the standard inspection of the CPLNG facility in Lusby, Maryland, conducted from August 15 through September 29, 2022 by the Pipeline and Hazardous Materials Safety Administration (PHMSA). Specifically, PHMSA noted the following:

1. § 193.2521 Operating records.

Each operator shall maintain a record of results of each inspection, test and investigation required by this subpart. For each LNG facility that is designed and constructed after March 31, 2000, the operator shall also maintain related inspection, testing, and investigation records that NFPA-59A-2001 (incorporated by reference, see § 193.2013) requires. Such records, whether required by this part or NFPA-59A-2001, must be kept for a period of not less than five years.

§ 193.2505 Cooldown.

(a)

(b) After cooldown stabilization is reached, cryogenic piping systems must be checked for leaks in areas of flanges, valves, and seals.

Cove Point LNG failed to maintain a record of results of each inspection, test and investigation required by Subpart F in accordance with § 193.2521. Specifically, Cove Point LNG failed to maintain inspection records for leak checks carried out following a trip off incident on June 14, 2022, on the main cryogenic heat exchanger in accordance with § 193.2505 and its procedures.

Cove Point LNG's procedure, SOP-020-01 (Feb. 9, 2022), requires completion of a checklist, CP0002, Piping/Equipment Cooldown Checklist, to document all cooldown leak checks. Cove Point

failed to provide this record documenting a cooldown leak check after the trip off incident on June 14, 2022.

On May 05, 2011, PHMSA warned the operator about its prior failure to complete this form (CPF 1-2011-3001W).

Therefore, Cove Point LNG failed to maintain a record of results of each inspection, test and investigation required by Subpart F in accordance with § 193.2521.

CPLNG Response:

After the facility tripped off on June 14, 2022, the main cryogenic heat exchanger (MCHE) was restarted using the MCHE 5E505 procedure. As stated during the audit and CPLNG's response to the Post-Inspection Written Preliminary Findings on December 9, 2022, the cold start-up procedure reviewed for MCHE 5E505 is a procedure that is used to start equipment that is already at cooldown stabilization. The procedure does not meet the §193.2505(b) requirements for a leak test because a cooldown is not required. The SOP-020-01 requirement for completion of CP0002 Piping/Equipment Checklist does not apply.

Other procedures that require cooldown from near atmospheric temperature have a requirement for a leak test after cryogenic temperature cooldown stabilization is reached. CPLNG has reviewed the applicable procedures to ensure the leak test requirement is referenced and will perform a leak test during processes that require a leak test in accordance with §193.2505(b) requirements.

2. § 193.2605 Maintenance procedures.

(a)

(b) Each operator shall follow one or more manuals of written procedures for the maintenance of each component, including any required corrosion control. The procedure must include:

(1) The details of the inspections or tests determined under paragraph (a) of this section and their frequency of performance; and

Cove Point LNG's manuals of written procedures for the maintenance of each component failed to include the details of the inspections or tests determined under § 193.2605(a) in accordance with § 193.2605(b)(1). Specifically, Cove Point LNG failed to develop procedures for the inspection and testing of high temperature detector sensors and low temperature detector sensors.

After the inspection, Cove Point LNG developed procedures to provide guidance on the inspection and testing of high temperature detector sensors and low temperature detector sensors.

Therefore, Cove Point LNG's manuals of written procedures for the maintenance of each component failed to include the details of the inspections or tests determined under § 193.2605(a) in accordance with § 193.2605(b)(1).

CPLNG Response:

As stated in CPLNG's response to the Post-Inspection Written Preliminary Findings on December 9, 2022, reference documents that were previously available to technicians have been combined into a single procedure, GD-0007 Instrument Testing, to provide additional guidance for technicians performing maintenance on the aforementioned sensors. This procedure will be used to support sensor evaluations in the future. CPLNG will train its personnel on the new procedures and provide the training records to the Director, Southwest Region, PHMSA within 60 days of issuance of the Final Order, per CPF 4-2023-033-NOPV requirements.

3. § 193.2637 Remedial measures.

Prompt corrective or remedial action must be taken whenever an operator learns by inspection or otherwise that atmospheric, external, or internal corrosion is not controlled as required by this subpart.

Cove Point LNG failed to take prompt corrective or remedial action after learning that atmospheric, external, or internal corrosion is not controlled as required by Subpart G in accordance with § 193.2637 and its procedures.¹ Specifically, Cove Point LNG failed to take prompt remedial or corrective actions at the following locations:

1. Cove Point LNG failed to take prompt correction action at T/S 109. On July 31, 2019, Cove Point LNG determined that one pipe wire and two anodes required remediation. However, Cove Point LNG did not take corrective action until after the issue was identified during the inspection, on September 28, 2022.
2. Cove Point LNG failed to take prompt correction action at T/S 30. On June 16, 2020, Cove Point LNG discovered a low CP reading. However, Cove Point LNG did not take corrective action until after the issue was identified during the inspection, on September 28, 2022.
3. Cove Point LNG failed to take prompt correction action at T/S 11. Cove Point LNG recorded low CP readings in 2021 (-0.667 mV) and 2022 (-0.683 mV). However, Cove Point LNG did not take corrective action until after the issue was identified during the inspection, on September 28, 2022.
4. Cove Point LNG failed to take prompt correction action at T/S 117. Cove Point LNG failed to include pipe to soil CP readings in 2021 and 2022. In addition, this issue was identified on a 2019 work order. However, Cove Point LNG did not take corrective action until after the issue was identified during the inspection, on September 28, 2022.

Therefore, Cove Point LNG failed to take prompt corrective or remedial action after learning that atmospheric, external, or internal corrosion is not controlled as required by Subpart G in accordance with § 193.2637.

¹ Cove Point LNG's procedures state that it must correct identified corrosion control deficiencies within 15 months, or before the next inspection, whichever is less.

CPLNG Response:

As stated in CPLNG's response to the Post-Inspection Written Preliminary Findings on December 9, 2022, the cathodic protection did not impact gas, LNG, or environmentally sensitive piping. The cathodic protection on the fire water system is independent. These items were remediated on September 28, 2022.

4. § 193.2801 Fire Protection

Each operator must provide and maintain fire protection at LNG plants according to sections 9.1 through 9.7 and section 9.9 of NFPA-59A-2001 (incorporated by reference, see § 193.2013). However, LNG plants existing on March 31, 2000, need not comply with provisions on emergency shutdown systems, water delivery systems, detection systems, and personnel qualification and training until September 12, 2005.

Cove Point LNG failed to maintain fire protection at its LNG facility in accordance with NFPA-59A-2001 and § 193.2801. Specifically, Cove Point LNG failed to conduct an adequate evaluation to determine the spacing and location of fire detectors in accordance with NFPA-72-1999.

Section 9.3.4 of NFPA-59A-2001 states that "[t]he detection systems determined from the evaluation in 9.1.2 shall be designed, installed, and maintained in accordance with NFPA 72, National Fire Alarm Code, or NFPA 1221, Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems, as applicable." Section 2-4.3.2.1 of NFPA-72-1999 states that the location and spacing of detectors shall be the result of an engineering evaluation that addresses numerous factors.²

Section 2-4.3.2.2 of NFPA-72-1999 states that the system design shall specify the flaming fire to be detected and section 2-4.3.2.3 of NFPA-72-1999 states that "[i]n applications where the fire to be detected could occur in an area not on the optical axis of the detector, the distance shall be reduced or detectors added to compensate for the angular displacement of the fire in accordance with the manufacturer's documented instructions."

On August 14, 2014, Cove Point LNG conducted an evaluation as required by Section 9.1.2 of NFPA-59A-2001. This evaluation determined that an additional UV/IR detector was required to provide coverage of the area by the cold gas compressors in 106H building. However, Cove Point LNG failed to install the additional detectors and failed to provide an adequate justification for deviating from the evaluation. On June 9, 2020, Cove Point LNG conducted a new evaluation. This evaluation did not recommend installation of additional detectors in the 106H building.

The 2014 and 2020 evaluations failed to consider each factor listed in section 2-4.3.2.1 of NFPA-72-1999. Further, the evaluations did not specify the size of the flaming fire to be detected and failed to determine if the fire to be detected could occur in an area not on the optical axis of the detector.

² Those factors are: (1) Size of the fire that is to be detected; (2) Fuel involved; (3) Sensitivity of the detector; (4) Field of view of the detector; (5) Distance between the fire and the detector; (6) Radiant energy absorption of the atmosphere; (7) Presence of extraneous sources of radiant emissions; (8) Purpose of detection system; and (9) Response time required.

Therefore, Cove Point LNG failed to maintain fire protection at its LNG facility in accordance with NFPA-59A-2001 and § 193.2801.

CPLNG Response:

CPLNG will have a follow-up NFPA 59A evaluation performed on the UV/IR detectors in the 106H building. CPLNG plans to submit the evaluation to the Director, Southwest Region, PHMSA within 60 days of issuance of the Final Order. However depending upon the schedule of the evaluator, CPLNG reserves the right to request an extension of time to submit the evaluation.

If you have any questions, or should require additional information, please do not hesitate to contact Drew Mongold at (304) 266-6073.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel Woods". The signature is fluid and cursive, with the first name "Daniel" and last name "Woods" clearly distinguishable.

Daniel Woods
Vice President, LNG Operations
Cove Point LNG, LP