



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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12300 W. Dakota Ave., Suite 110
Lakewood, CO 80228

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 5, 2008

Mr. Nicholas Farros
Manager
Bulldog Gas and Power
P.O. Box 2362
Martinez, CA 84553

CPF 5-2008-0020W

Dear Mr. Farros:

On March 11-12, 2008, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected your gas transmission system in Martinez, California.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violations are:

1. **§192.605 Procedural Manual for operations, maintenance, and emergencies.**
 - (b) **Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.**
 - (1) **Operating, maintaining, and repairing the pipeline in accordance with each of the requirements of this subpart and subpart M of this part.**
 - (2) **Controlling corrosion in accordance with the operations and maintenance requirements of subpart I of this part.**

- (3) Making construction records, maps, and operating history available to appropriate operating personnel.
- (4) Gathering of data needed for reporting incidents under Part 191 of this chapter in a timely and effective manner.
- (5) Starting up and shutting down any part of the pipeline in a manner designed to assure operation within the MAOP limits prescribed by this part, plus the build-up allowed for operation of pressure-limiting and control devices.
- (6) Maintaining compressor stations, including provisions for isolating units or sections of pipe and for purging before returning to service.
- (7) Stating, operating and shutting down gas compressor units.
- (8) Periodically reviewing the work done by operator personnel to determine the effectiveness and adequacy of the procedures used in normal operation and maintenance and modifying the procedures when deficiencies are found.
- (9) Taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available when needed at the excavation, emergency rescue equipment, including a breathing apparatus and a rescue harness and line.

The operator's procedural manual for operations, maintenance, and emergency response did not include provisions for meeting the reporting requirements of Part 191, reviewing and updating procedures contained in the plan on an annual basis, making construction records, maps and operating history available to appropriate operating personnel, periodically reviewing the work done by operator's personnel to determine the effectiveness and adequacy of procedures, a damage prevention program (except for the one-call system procedures), MAOP procedures, purging procedures, procedures for joining of plastic pipe, and corrosion control procedures (as applicable).

2. §192.605 Procedural Manual for operations, maintenance, and emergencies.

(c) *Abnormal Operation* For transmission lines, the manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded:

- (1) Responding to, investigating, and correcting the cause of:
 - (i) Unintended closure of valves or shutdowns;
 - (ii) Increase or decrease in pressure or flow rate outside normal operating limits;
 - (iii) Loss of communications;
 - (iv) Operation of any safety device;
 - (v) An other foreseeable malfunction of a component, deviation from normal operation, or personnel error, which may result in a hazard to persons or property.
- (2) Checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation.
- (3) Notifying responsible operator personnel when notice of an abnormal operation is received.

(4) Periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found.

(5) The requirements of this paragraph (c) do not apply to natural gas distribution operators that are operating transmission lines in connection with their distribution system.

The procedural manual did not contain any reference to abnormal operations.

3. §192.605 Procedural Manual for operations, maintenance, and emergencies.

(e) *Surveillance, emergency response, and accident investigation.* The procedures required by §§192.613(a), 192.615, and 192.617 must be included in the manual required by paragraph (a) of this section.

The procedural manual did not contain procedures for detecting and responding to changes in Class Location and there was no pipeline-specific emergency plan. Some of the necessary elements of an emergency plan were contained in a general facility response plan.

4. §192.16 Customer Notification

(d) Each operator must make the following records available for inspection by the Administrator or a State agency participating under 49 U.S.C. 60105 or 60106:

(1) A copy of the notice currently in use.

(2) Evidence that notices have been sent to customers within the previous 3 years.

No records pertaining to customer notification were available during the inspection.

5. §192.731(a) Compressor stations: Inspection and testing of relief devices.

(a) Except for rupture discs, each pressure relieving device in a compressor station must be inspected and testing in accordance with §§192.739 and 192.743, and must be operated periodically to determine that it opens at the correct set pressure.

No documentation of compressor station relief device testing was available during the inspection.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any 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 items identified in this letter.

Failure to do so will result in Bulldog Gas and Power 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 5-2008-0020W**. 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,

A handwritten signature in black ink, appearing to read "CH Hoidal", written in a cursive style.

Chris Hoidal
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry
PHP-500 J. Stahoviak (#120711)