

March 8, 2023

VIA ELECTRONIC MAIL TO: colleen.bell@mwpipeline.com

Ms. Colleen Larkin Bell
President
MountainWest Pipeline, LLC
333 South State Street
P.O. Box 45360
Salt Lake City, UT 84145

Re: CPF No. 5-2022-050-NOPV

Dear Ms. Bell:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and specifies actions that need to be taken to comply with the pipeline safety regulations. When the terms of the compliance order are completed, as determined by the Director, Western Region, this enforcement action will be closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. Dustin Hubbard, Director, Western Region, Office of Pipeline Safety, PHMSA
Mr. Douglas Brunt, Manager, Pipeline Safety, MountainWest Pipeline, LLC,
douglas.brunt@mwpipeline.com

CONFIRMATION OF RECEIPT REQUESTED

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

In the Matter of

MountainWest Pipeline, LLC,

Respondent.

)
)
)
)
)
)
)

CPF No. 5-2022-050-NOPV

FINAL ORDER

On December 19, 2022, pursuant to 49 C.F.R. § 190.207, the Director, Western Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to MountainWest Pipeline, LLC (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 192. The Notice also proposed certain measures to correct the violations. Respondent did not contest the allegations of violation or corrective measures.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 192.631(c)(1) (**Item 1**) — Respondent failed to implement the required sections of API RP 1165 and/or failed to demonstrate that certain provisions of those sections are not practical for the SCADA system used.

49 C.F.R. § 192.631(a)(1) (**Item 2**) — Respondent failed to follow its written control room management procedures that implement the requirements set forth in §195.446 by failing to follow its Annual Monitoring Procedure listed in its CRM Plan Section 5.6, which discusses the requirements set forth in §195.446(e)(5).

49 C.F.R. § 192.631(a)(1) (**Item 3**) — Respondent failed to follow its written control room management procedures that implement the requirements set forth in §195.446 by failing to conduct its Controller Training Program review according to its procedure in CRM Plan Section 8.7, which discusses the requirements set forth in §195.446(h)(6).

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

Compliance Actions

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the actions proposed in the enclosed Notice to correct the violation. The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension. Upon completion of the ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

Warning Item

With respect to Item 3, the Notice alleged a probable violation of 49 C.F.R. § 192.631(a)(1), but did not propose a civil penalty or compliance order for this item. Therefore, this is considered to be a warning item. If OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

March 8, 2023

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued