

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED COMPLIANCE ORDER**

VIA E-MAIL TO MS. COLLEEN LARKIN BELL

December 19, 2022

Ms. Colleen Larkin Bell
President
Mountain West Pipeline, LLC
333 South State Street
P.O. Box 45360
Salt Lake City, UT 84145-0360

CPF 5-2022-050-NOPV

Dear Ms. Bell:

From February 28 through March 4, 2022, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected Mountain West Pipeline, LLC's (Mountain West, formerly Dominion Questar) procedures for Control Room Management in Salt Lake City, Utah.

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 items inspected and the probable violations are:

1. § 192.631 Control room management.

(a)...

(c) *Provide adequate information.* Each operator must provide its controllers with the information, tools, processes and procedures necessary for the controllers to carry out the roles and responsibilities the operator has defined by performing each of the following:

(1) Implement sections 1, 4, 8, 9, 11.1, and 11.3 of API RP 1165 (incorporated by reference, see § 192.7) whenever a SCADA system is added, expanded or replaced, unless the operator demonstrates that certain provisions of sections 1, 4, 8, 9, 11.1, and 11.3 of API RP 1165 are not practical for the SCADA system used;

Mountain West failed to implement the required sections of API RP 1165 set forth in § 192.631(c)(1) and/or failed to demonstrate that certain provisions of those sections are not practical for the SCADA system used. During the inspection, Mountain West was unable to present sufficient records to establish the SCADA system was compliant with API RP 1165.¹ Although Mountain West presented records of an evaluation that was conducted in 2011-2012, those records contained raw data with contemporaneous notes made by the reviewer. The evaluation records did not seem to follow a methodology and no conclusion regarding compliance with API RP 1165 was made.

Further, during the inspection, PHMSA reviewed screenshots of Mountain West's SCADA screens and toured the control room. The SCADA screens are very busy, have no discernable eye scan pattern and use more colors than recommended by API RP 1165. For example, Section 4 *Human Factors Engineering Considerations in Display Design* states, in part, "Displays should be designed to provide optimum transfer of information to the user. Information should be presented simply and consistently, in a well-organized manner, and in expected locations. Generally speaking, displays should have an orderly and clutter-free appearance, a simple way to navigate through the system, and obvious indications of interrelationships." API RP 1165 Section 8.2.1 *Number of Colors* states that "The number of colors used should be kept to the minimum needed to provide sufficient information. Research has indicated that the number of colors used on SCADA displays should not exceed eleven. Exceptions can be made for special applications (i.e., batch tracking screens, commodity labeling, etc.). The benefits of color are best realized if color is used discriminately. Excessive use can hinder effective control room operation. The same qualities which make color useful can result in unintended confusion or distraction if overused or inconsistently applied. As colors are used more frequently and as the number of different colors increases, the attention-getting value of each color diminishes."

2. § 192.631 Control room management.

(a) General.

(1) This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section, ...

Mountain West failed to follow its written control room management procedures that implement the requirements set forth in §195.446. Specifically, Mountain West failed to follow its Annual Monitoring procedure listed in the CRM Plan Section 5.6, which discusses the requirements set forth in § 195.446(e)(5) to monitor the content and volume of general activity being directed to and required of each controller at least once each calendar year, but at intervals not to exceed 15 months, that will assure controllers have sufficient time to analyze and react to incoming alarms. During the inspection, PHMSA learned that in 2020, Mountain West contracted with Circadian to conduct its annual review of controller activity. Circadian conducted a qualitative review of controller activity

¹ See 49 C.F.R. § 192.631(j)(1) (requiring operators to maintain for review during inspection records that demonstrate compliance with the requirements of this section).

based on controller surveys, but failed to review the content and volume of general activity being directed to the controllers to determine if they have sufficient time to analyze and react to incoming alarms. Further, Mountain West could not present any review records for 2018, 2019, or 2021.²

3. § 192.631 Control room management.

(a) General.

(1) This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section, ...

Mountain West failed to follow its written control room management procedures that implement the requirements set forth in §195.446. Specifically, Mountain West failed to conduct the 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) regarding controller team training. In 2020 and 2021 Mountain West conducted a modified version of the Controller Training Program review that deviated from the procedure listed in CRM Plan Section 8.7. Specifically, they failed to record the review in the company DOT IMS as required by CRM Plan Section 8.7.

Proposed Compliance Order

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to 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. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to propose a civil penalty assessment at this time.

With respect to Items 1 and 2, pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Mountain West Pipeline LLC. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Warning Item

With respect to Item 3, we have reviewed the circumstances and supporting documents involved in this case and have decided not to conduct additional enforcement action or penalty assessment

² *Id.*

proceedings at this time. We advise you to promptly correct this item. Failure to do so may result in additional enforcement action.

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Enforcement Proceedings*. Please refer to this document and note the response options. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, or request a hearing under 49 CFR § 190.211. If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order. If you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from receipt of this Notice. This period may be extended by written request for good cause.

In your correspondence on this matter, please refer to **CPF 5-2022-050-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Dustin Hubbard
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

Enclosures: *Proposed Compliance Order*
Response Options for Pipeline Operators in Enforcement Proceedings

cc: PHP-60 Compliance Registry
PHP-500 J. Dunphy (#22-232643)

PROPOSED COMPLIANCE ORDER

Pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Mountain West Pipeline LLC a Compliance Order incorporating the following remedial requirements to ensure the compliance of Mountain West Pipeline LLC (Mountain West) with the pipeline safety regulations:

- A. In regard to Item 1 of the Notice pertaining to Mountain West's failure to implement the required sections of API RP 1165, Mountain West must conduct an evaluation of its SCADA system for compliance with the requisite sections of API RP 1165 within 30 days of receipt of the Final Order. Mountain West must present to PHMSA a plan for correcting any deficiencies identified through its evaluation of the SCADA system within 90 days of receipt of the Final Order.
- B. In regard to Item 2 of the Notice pertaining to Mountain West's failure to monitor the content and volume of general activity being directed to and required of each controller, Mountain West must amend its procedure in CRM Plan Section 5.6 to provide detailed instructions for conducting, analyzing and documenting each review required by CRM Plan Section 5.6. Mountain West shall complete and submit to PHMSA the procedure amendment within 30 days of receipt of the Final Order. Mountain West shall conduct and submit to PHMSA forensic reviews according to the amended CRM Plan Section 5.6 for the years 2020 and 2021 within 90 days of receipt of the Final Order.
- C. It is requested (not mandated) that Mountain West maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Dustin Hubbard, Director, Western Region, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.