



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

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

NOTICE OF AMENDMENT

VIA ELECTRONIC MAIL TO: gjans@midwaysunset.com

March 4, 2024

Mr. Greg Jans
Executive Director
Midway Sunset Generation Co.
3466 W. Crocker Springs Road
Fellows, CA 93224-0457

CPF 5-2024-008-NOA

Dear Mr. Jans:

From October 11 through 14, 2022, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected Midway Sunset Generation (Midway) company's procedures for control room management in Fellows, California.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Midway's plans or procedures, as described below:

1. § 192.631 Control room management.

(a) *General.*

(1) ...

(2) The procedures required by this section must be integrated, as appropriate, with operating and emergency procedures required by §§ 192.605 and 192.615. ...

Midway's procedures were inadequate to ensure the safe operation of a pipeline facility because their procedures did not address the process and criteria to determine which facilities are control rooms as is required by **§ 192.631(a)(2)**.

Accordingly, Midway must amend its procedures to define the process and criteria they use to determine which facilities are control rooms.

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

(a) *General.* Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. ...

Midway's written procedures for pipeline operations were inadequate to ensure the safe operation of a pipeline facility as is required by § 192.605(a). Specifically, the Midway annual work order to conduct a review of the DOT MSCC/MOJAVE gas pipeline operating manual consists of a single instruction to conduct a review of DOT procedures. A single instruction fails to provide the reviewer adequate instruction concerning how to conduct and document the review of DOT procedures. Accordingly, Midway must amend its procedures to provide detailed instructions on how to conduct and document the annual review of all procedures subject to § 192.605. The amended procedures must specifically address the review and updating of the fatigue mitigation procedures required by § 192.631(d).

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

(a) ...

(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. ...

Midway's procedures were inadequate to ensure the safe operation of a pipeline facility as is required by § 192.605(b)(1). Specifically, Midway's procedures do not adequately describe each controller's physical domain of responsibility for pipelines and other facility assets. Midway Sunset MW-00-01 Rev.3 1994 section 4.2.13 is a two-sentence statement describing the facilities under the controller's physical domain of responsibility. As described during the inspection, the controller is responsible for the operation of the entire powerplant and directs its personnel in all aspects of plant operations, not just pipeline operations. Accordingly, Midway must amend its procedures to fully describe each controller's physical domain of responsibility for pipelines and other facility assets.

4. § 192.605 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(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. ...

Midway's procedures were inadequate to ensure the safe operation of a pipeline facility as is required by § 192.605(b)(1). Specifically, Midway Sunset MW-00-01 Rev.3 1994 does not define and identify the circumstances which require a point-to-point verification or the method by which to document the point-to-point verification. Accordingly, Midway must amend its procedures to define the terms "point", "critical point", "safety related point" and identify the circumstances which require a point-to-point verification. The amended procedures must provide sufficiently detailed instructions for the documentation and records retention of each point-to-point verification.

5. § 192.615 Emergency plans.

(a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. ...

Midway's procedures were inadequate to ensure the safe operation of a pipeline facility as is required by § 192.615(a). Specifically, Midway Sunset MW-00-01 Rev.3 1994 does not specifically address the controller's responsibilities in the event the control room must be evacuated. Midway has a series of procedures for certain emergencies like earthquake, bomb threat, etc. but they fail to address evacuations specifically. Accordingly, Midway must amend its procedures to address the controller's responsibilities for continued safe operation in the event the control room must be evacuated.

6. § 192.805 Qualification program.

Each operator shall have and follow a written qualification program. ...

Midway's procedures were inadequate to ensure the safe operation of a pipeline facility as is required by § 192.805. Specifically, Midway's written qualification program does not address the training and qualification of personnel to become an Operator Mechanic 1 (controller). Accordingly, Midway must amend its written qualification program to define the curriculum and experience requirements for becoming an Operator Mechanic 1 (controller) as defined by § 192.3.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. 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, revised procedures, or a request for a hearing under §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 an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within **30** days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that Midway maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Dustin Hubbard, Director, Western Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 5-2024-008-NOA** 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

Enclosure: *Response Options for Pipeline Operators in Enforcement Proceedings*

cc: PHP-60 Compliance Registry
PHP-500 J. Dunphy (#22-239217)
Corey Lahammer, Plant Supervisor – Maintenance, clahammer@midwaysunset.com