MIDWAY SUNSET
Cogeneration Company

April 3, 2024 CC-2249

Mr. Dustin Hubbard
Director, Western Region
Pipeline and Hazardous Materials Safety Administration
12300 W. Dakota Ave., Suite 110
Lakewood, CO 80228

Reference: CPF 5-2024-008-NOA

Subject: Response to a DOT "Notice of Amendment" Concerning Inadequacies in MSCC's Plans or Procedures.

Dear Mr. Hubbard:

Mr. Dunphy, of the DOT PHMSA West Region, from October 11 to October 14, 2022, conducted an onsite inspection of our procedures for control room management. A result of that inspection was a DOT "Notice of Amendment" notifying Midway Sunset Cogeneration Company (MSCC) of the inadequacies found within MSCC's control room management procedures (please find attached a copy of "Notice of Amendment" CPF 5-2024-008-NOA). MSCC's following plan is numbered in concert with the "Notice of Amendment":

1. 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.

   Response: MSCC has included the following section in its MSCC/Mojave Gas Pipeline O & M Manual Section 112 Control Room Management procedure.

   Control Room/Back-up Control Room

   MSCC is comprised of two control rooms that are equipped with a DCS to control and monitor the Balance of Plant (BOP) and the Mark VI to control

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and monitor the gas turbines. The MSCC/Mojave natural gas pipeline can be monitored and shutdown from the DCS located in either control room. The control room Operator Mechanic conducts his/her day-to-day duties from the control room located on the North end of the Administration building. The back-up control room located in the Demineralizer control building can be used in the event of loss to the control room in the Administration building. The control room is staffed with a qualified control room Operator Mechanic 24 hours a day, 7 days a week. Should the control room Operator Mechanic need to leave the control room for any reason of short duration, there will be a qualified control room Operator Mechanic standing by in the control room until their return. At no time will the control room remain unattended unless an evacuation order has been given. MSCC is designed to safely shut down once the evacuation order is given and the ESD valve emergency trip has been initiated by the control room Operator Mechanic prior to evacuating the control room/back-up control room.

2. 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).

Response: MSCC has included the following section in its MSCC/Mojave Gas Pipeline O & M Manual Section 100 O & M Manual Objective and in its annual Work Order in the maintenance management system.

Regular review and updates to the procedural manual are conducted by MSCC at intervals not exceeding 15 months, in accordance with regulatory requirements. This ensures that our procedures remain current and reflective of evolving industry best practices and regulatory standards. Moreover, the manual undergoes an annual review to guarantee its continued relevance and effectiveness in guiding our operational activities.

1. To conduct the regular review and updates to the procedural manual as mandated by regulatory requirements, MSCC follows a structured process aimed at ensuring the manual's accuracy, currency, and alignment with industry best practices and regulatory standards.

Following is the detailed outline of the review process as reflected on the associated work order in the plant maintenance management system:

a. **Establishment of Review Team:** MSCC designates a review team comprising qualified personnel with expertise in pipeline operations, maintenance, safety, and regulatory compliance. The team is led by the Regulatory Compliance Specialist responsible for overseeing the review process.
b. **Schedule and Notification:** The review team establishes a schedule for the review process, ensuring that it occurs at intervals not exceeding 15 months from the previous review. Notifications are disseminated to relevant stakeholders within MSCC, informing them of the impending review and soliciting their input.
c. **Gather Feedback and Input:** The review team collects feedback and input from various sources, including:
    i. Incident reports and lessons learned from previous operational activities.
    ii. Feedback from operations personnel involved in day-to-day operations and maintenance.
    iii. Updates to regulatory requirements and industry best practices.
    iv. Recommendations from internal audits, inspections, and external assessments.
    v. Management of change process.
d. **Document Review:** Each section of the procedural manual is meticulously reviewed by the team to identify any discrepancies, outdated information, or areas requiring improvement. This includes:
    i. Cross-referencing procedures with applicable regulatory requirements to ensure compliance.
    ii. Verifying the accuracy of contact information, emergency response procedures, and escalation protocols.
    iii. Assessing the clarity and comprehensiveness of instructions provided in the manual.
    iv. MSCC is to meticulously review and update the fatigue mitigation procedures as required by § 192.631(d).
e. **Identification of Updates:** Based on the findings of the review, the team identifies necessary updates, revisions, or additions to the procedural manual. These may include:
    i. Management of change.
    ii. Incorporating new procedures or best practices that enhance safety and operational efficiency.
    iii. Amending existing procedures to address identified deficiencies or accommodate changes in equipment or technology.
    iv. Updating emergency response plans to reflect lessons learned from recent incidents or changes in regulatory requirements.

f. **Drafting and Approval:** The review team collaborates to draft revisions and updates to the procedural manual, ensuring that all changes are accurately documented and clearly communicated. The revised manual is subjected to internal review and approval processes, involving relevant stakeholders, management, and regulatory compliance personnel.

g. **Training and Implementation:** Once approved, the updated procedural manual is disseminated to all relevant personnel via the Acknowledgement of Information process, and training sessions are conducted to ensure understanding and adherence to the revised procedures. Any changes in protocols or emergency response procedures are communicated effectively to MSCC personnel.

h. **Annual Review:** MSCC conducts an annual review of the procedural manual to guarantee its continued relevance and effectiveness. This review focuses on verifying the timeliness of information, assessing the impact of any regulatory changes, and soliciting feedback from stakeholders to identify areas for improvement.

By adhering to this structured review process, MSCC ensures that its procedural manual remains current, comprehensive, and aligned with regulatory requirements and industry best practices, thereby enhancing the safety and reliability of its pipeline operations.

3. 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.

   Response: MSCC has included the attached amended Operating Instruction, MW-00-01 Rev. 5 2024, Cogen Facility Operator Mechanic 1: Duties/Responsibilities.

4. 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.

Response: MSCC has included the attached amended MSCC/Mojave Gas Pipeline O & M Manual Section 112 Control Room Management procedure.

5. 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.

Response: MSCC has included the following section in its Plant Order, MW-A-115, Emergency Preparedness Plan.

4.2.3 Should an emergency evacuation of the entire plant be necessary; the control room Operator Mechanic shall Immediately close the MSCC/Mojave ESD valve D-PSV105. It should be closed via the DCS tag D-HS-105, however if that action fails immediately dispatch an Operator Mechanic to the ESD station to manually close the ESD valve by holding the red handled lever, located inside the red box, to the right until the ESD valve closes. Then close the block valves upstream and downstream of the ESD valve. This will safely shut down the MSCC/Mojave natural gas pipeline and allow for a safe and controlled shut down of the plant. **The Operator Mechanic will need the gate key to enter the station. Key #85 is found in the supervisor key box in the Plant Supervisor, Operations office.** The control room Operator Mechanic will grab the MSCC Go Bag, located in the control room by the Halon bottles, and proceed to the off-site muster location.

6. 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. verification.

Response: MSCC has included the attached amended MSCC Gas Pipeline Operator Qualification Program.

MSCC has revised the procedural manual and associated Plant Procedures. Copies of the revisions are available to the DOT on request. MSCC embraces the importance of public safety and, therefore, wishes not only to meet the letter of the law but also the overriding intent.

MSCC commends Mr. Dunphy's professional demeanor during the inspection. It proved an excellent opportunity for MSCC's employees to interact with and learn from a knowledgeable, professional, DOT representative.

Please note, as of February 19, 2024, Lowell Pollema, Aera Energy, has been appointed Executive Director of MSCC replacing Greg Jans as Acting Executive Director.

If you have any questions or comments, please email me at; management@midwaysunset.com or call me at (661)768-3000.

Sincerely,

Greg Jans
Plant Manager

Attachment

cc:	File CC-2249	G. Jans	M. Williams	C. Lahammer
	M. Bojorquez	G. Davis	L. Pollema	S. Urias