

May 8, 2024

VIA ELECTRONIC MAIL TO: lpollema@aeraenergy.com

Lowell Pollema
Executive Director
Midway Sunset Cogeneration Company
3466 W. Crocker Springs Road
Fellows, California 93224

Re: CPF No. 5-2024-009-NOPV

Dear Mr. Pollema:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding 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. Greg Jans, Plant Manager, Midway Sunset Cogeneration Company,
gjans@midwaysunset.com and management@midwaysunset.com
Mr. Corey Lahammer, Plant Supervisor – Maintenance, Midway Sunset Cogeneration
Company, clahammer@midwaysunset.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	)	
	)	
Midway Sunset Cogeneration Co.,	)	CPF No. 5-2024-009-NOPV
	)	
Respondent.	)	
	)	

FINAL ORDER

On March 4, 2024, pursuant to 49 C.F.R. § 190.207, the Director, Western Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation and Proposed Compliance Order (Notice) to Midway Sunset Cogeneration Company (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 regulation listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 192.631(a)(1)(ii) (**Item 1**) — Respondent failed to have and follow written control room management procedures that addressed fatigue, compliance validation, and compliance and deviations as required by § 192.631(d), (i), and (j).

This finding of violation will be considered a prior offense 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.

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

May 8, 2024

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued