



April 3, 2024

CC-2250

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

Reference: CPF 5-2024-009-NOPV

Subject: Response to a DOT "Notice of Probable Violation and Proposed Compliance Order" Concerning Inadequacies in MSCC's Control Room Management 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 pipeline control room facility. A result of that inspection was a DOT "Compliance Order" notifying Midway Sunset Cogeneration Company (MSCC) of the inadequacy found within MSCC's control room management procedures (please find attached a copy of "Compliance Order" CPF 5-2024-009-NOPV). MSCC's following plan is numbered in concert with the "Compliance Order":

1. MSCC failed to have and follow written control room management procedures that implement the requirements of § 192.631(a)(1)(ii). MSCC must amend its procedures to include policies and procedures to 1) include procedures implementing the requirements of § 192.631(d); 2) include procedures implementing the requirements of § 192.631(i); and 3) include procedures implementing the requirements of § 192.631(j).

Response: Following the inspection conducted, it has been observed that MSCC possesses control room management procedures and training. However, it was noted that these documents were not readily accessible during the inspection process. In response to this finding, MSCC has diligently reviewed its control room management procedures and identified the necessity for updates. Consequently,

MSCC has taken proactive measures to address this matter by completing and implementing necessary updates to its control room management procedures and training. These revisions have been undertaken with the primary objective of ensuring public safety and compliance with § 192.631(a)(1)(ii) regulations.

MSCC has revised the procedural manual and associated Plant Procedures. MSCC has attached its control room management procedure with this letter. 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-2250	G. Jans	M. Williams	C. Lahammer
M. Bojorquez	G. Davis	L. Pollema	S. Urias