

NOTICE OF AMENDMENT

VIA ELECTRONIC MAIL TO: GREG JANS AND MICHAEL WILLIAMS

July 11, 2024

Mr. Greg Jans
Executive Operator
Midway Sunset Cogeneration
3466 W. Crocker Springs Road
Fellows, California 93224

CPF 5-2024-013-NOA

Dear Mr. Jans:

From March 6, 2023, through March 9, 2023, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Midway Sunset Cogeneration's (Midway) natural gas transmission line from the Kern River tie-in to the Midway Plant in Fellows, California. As a result of the inspection, PHMSA has identified the apparent inadequacies found within Midway's plans or procedures. The item inspected and the inadequacy is described below:

1. § 192.465 External corrosion control: Monitoring and remediation.

(a)

(d) Each operator must promptly correct any deficiencies indicated by the inspection and testing required by paragraphs (a) through (c) of this section. For onshore gas transmission pipelines, each operator must develop a remedial action plan and apply for any necessary permits within 6 months of completing the inspection or testing that identified the deficiency. Remedial action must be completed promptly, but no later than the earliest of the following: prior to the next inspection or test interval required by this section; within 1 year, not to exceed 15

months, of the inspection or test that identified the deficiency; or as soon as practicable, not to exceed 6 months, after obtaining any necessary permits.

Midway's procedures for corrosion control monitoring were inadequate to ensure the safe operation of a pipeline as required by § 192.465(d). Specifically, a review of Midway's written Corrosion Control Inspection Procedure, located within the Operations and Maintenance Manual, showed that Midway lacked a stipulated timeline or timeframe for completing remediation after identification. Midway's procedure for monitoring and remediating deficiencies does not state an explicit time period by which a corrective action plan will be developed and implemented in accordance with § 192.465(d). See, Section 105 of Midway's Corrosion Control Inspection Procedure, Exhibit C. Midway's procedure must designate a timeline for remedial action in accordance with the regulation.

Accordingly, Midway must amend its procedures to fully conform to the requirements of § 192.465(d).

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 5-2024-013-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. Williams, J. Luo (#23-264914)
Michael Williams, DOT Primary Compliance - MWilliams@midwaysunset.com