



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUL 10 2006

Mr. Randy Bernard
Vice President of Operations
Northwest Pipeline Corporation
Williams Gas Pipeline
2800 Post Oak Blvd
Houston, TX 77056-6100

Re: CPF No. 5-2004-1023

Dear Mr. Bernard:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation and specifies actions 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. Your receipt of this Final Order constitutes service under 49 C.F.R. § 190.5.

Sincerely,

James Reynolds
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, DC 20590**

In the Matter of)

**Northwest Pipeline Corporation/
Williams Gas Pipeline,**)

Respondent)
_____)

CPF No. 5-2004-1023

FINAL ORDER

On February 23–27, 2004, pursuant to 49 U.S.C. § 60117, a representative of the Research and Special Programs Administration (RSPA), Office of Pipeline Safety, conducted an on-site pipeline safety inspection of Respondent’s facilities and records in the Eugene District, Oregon.¹ As a result of the inspection, the Director, Western Region, issued to Respondent, by letter dated December 17, 2004, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding Respondent committed a violation of 49 C.F.R. Part 192 and proposed ordering Respondent to take certain measures to correct the alleged violation.

By letters dated February 8 and 23, 2005, Respondent submitted documentation and contested the allegation of violation. Respondent requested a hearing by letter dated March 23, 2005. The hearing was held May 24, 2005 in Lakewood, Colorado. Respondent submitted a post-hearing letter dated June 7, 2005.

FINDING OF VIOLATION

Item 1a in the Notice alleged Respondent violated 49 C.F.R. §§ 192.603(b) and 192.706(a) by failing to keep adequate records to show leakage surveys had been performed at specified intervals. Sections 192.603(b) and 192.706(a) require Respondent to keep records necessary to administer Respondent’s procedures for conducting leakage surveys at intervals not to exceed 15 months, but at least once each calendar year. However, § 192.706(a) requires that leakage surveys be conducted using instrumentation at intervals not to exceed 7½ months, but at least twice each calendar year for transmission lines in a Class 3 location which transport gas *without an odorant*.

¹ The Norman Y. Mineta Research and Special Programs Improvement Act, Pub. L. No. 108-426, 118 Stat. 2423 (2004), created the Pipeline and Hazardous Materials Safety Administration (PHMSA) and transferred the authority of RSPA exercised under chapter 601, title 49, United States Code, to the Administrator of PHMSA. *See also* 70 Fed. Reg. 8299, 8301-8302 (2005).

The Notice alleged Respondent did not sufficiently document that it tested and verified that each transmission pipeline in a Class 3 location was odorized. Accordingly, the Notice alleged, Respondent was required to conduct instrumented leakage surveys at 7½-month intervals. The Notice further alleged that Respondent could not produce records to show that instrumented surveys had been conducted at 7½-month intervals.

At the hearing, Respondent asserted that it had intended to comply with the regulations by ensuring proper odorization in Class 3 locations and by performing annual leakage surveys, rather than by conducting instrumented leakage surveys at 7½-month intervals. In response to the Notice and at the hearing, Respondent asserted that the pipeline system was odorized in accordance with § 192.625 and that its records show odorization had been tested and found acceptable. As an odorized pipeline, Respondent asserted that it was required to complete annual leak surveys, rather than biannual instrumented surveys. Respondent stated that its records show that leakage surveys had been conducted annually in accordance with § 192.706(a).

The odorization records submitted by Respondent at the time of the inspection and in response to the Notice show several Class 3 locations where Respondent's pipeline was not properly odorized. Several locations were deficient during consecutive tests. The leakage survey records produced by Respondent lacked sufficient detail to verify each Class 3 pipeline had been properly surveyed. Some records did not expressly indicate the manner and location of the leak survey and were subject to varying interpretations. Respondent's records were inadequate to demonstrate compliance with §§ 192.603(b) and 192.706(a). Accordingly, I find Respondent violated §§ 192.603(b) and 192.706(a) as alleged in the Notice.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to **Item 1a**. Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601, title 49, United States Code. Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations. Respondent must—

1. Submit for review written procedures for conducting leakage surveys in accordance with 49 C.F.R. § 192.706(a). The procedures must have administrative processes, controls, and reviews to ensure that records are kept that are necessary to administer the procedures and document compliance.
2. Submit for review written procedures for conducting periodic sampling of combustible gases to assure proper concentration of odorant in accordance with 49 C.F.R. § 192.625. The procedures must have administrative processes, controls, and reviews to ensure that records are kept that are necessary to administer the procedures and document compliance.

3. Submit the procedures within 30 days of receipt of this Final Order to the Director, Western Region, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 12300 W. Dakota Ave., Suite 110, Lakewood, CO 80228-2585.
4. The Director may notify Respondent if the submitted procedures satisfy this Order; or the Director may require Respondent to further modify the procedures to cure any deficiencies. If the Director orders further modification, Respondent must correct the procedures to comply with the Director's order and resubmit the procedures for review within the time specified by the Director. If a resubmitted item requires further modification, the Director may again require Respondent to correct the deficiencies; or the Director may otherwise enforce the terms of this Order.


The Director, Western Region, may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent demonstrating good cause for an extension.

Failure to comply with this Order may result in the assessment of civil penalties of not more than \$100,000 per day and in referral to the Attorney General for appropriate relief in a United States District Court.

WARNING ITEM

The Notice did not propose a civil penalty or corrective action for **Item 1b** in the Notice, which alleged Respondent could not verify that it had inspected pipe removed from a pipeline for evidence of internal corrosion in accordance with §§ 192.605(b)(2) and 192.475(b). This is considered a warning item. Respondent is warned that if it does not take appropriate action to correct this item, enforcement action will be taken if a subsequent inspection reveals a violation.

Under 49 C.F.R. § 190.215, Respondent has a right to submit a Petition for Reconsideration of this Final Order. The petition must be received within 20 days of Respondent's receipt of this Final Order and must contain a brief statement of the issue(s). The terms of the order, including any required corrective action, remain in full effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective on receipt.



 Stacey Gerard
 Associate Administrator
 for Pipeline Safety

JUL 10 2011

 Date Issued