

APRIL 4, 2014

Mr. Jeffrey L. Barger
Vice President / Pipeline Operations
Dominion Transmission, Inc.
445 West Main Street
Clarksburg, WV 26302-2450

Re: CPF No. 1-2013-1007

Dear Mr. Barger:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and specifies actions that need to be taken by Dominion Transmission, Inc., to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Eastern Region, this enforcement action will be closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. Byron Coy, Director, Eastern Region, OPS

CERTIFIED MAIL - RETURN 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)	
)	
Dominion Transmission, Inc.)	CPF No. 1-2013-1007
)	
Respondent.)	
)	

FINAL ORDER

From November 30, to December 2, 2010, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the records of Dominion Transmission, Inc. (Dominion or Respondent) in Clarksburg, West Virginia. Dominion is an interstate gas transmission company that produces and supplies NGL's. Dominion maintains over 7,800 miles of pipeline in six states.¹

As a result of the inspection, the Director, Eastern Region, OPS (Director), issued to Respondent, by letter dated April 15, 2013, a Notice of Probable Violation and Proposed Compliance Order (Notice), which also included two warnings pursuant to 49 C.F.R. § 190.205. In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Dominion had violated 49 C.F.R. § 192.616(c) and proposed ordering Respondent to take certain measures to correct the alleged violation. The warning items require no further action, but warn the operator to correct the probable violation or face possible enforcement action.

Dominion responded to the Notice by letter dated May 14, 2013 (Response). The company contested the allegation, offered additional information in response to the Notice, and requested that the proposed compliance order be eliminated. Respondent did not request a hearing and therefore has waived its right to one.

FINDING OF VIOLATION

The Notice alleged that Respondent violated 49 C.F.R. Part 192, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 192.616(c), which states:

¹ See www.dom.com/business/gas-transmission/index.jsp, last viewed March 3, 2014.

§ 192.616 Public awareness.

(a) ...

(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

The Notice alleged that Respondent violated 49 C.F.R. § 192.616(c) by failing to follow the general program recommendations, including baseline and supplemental requirements of American Petroleum Institute (API) Recommended Practice (RP) 1162. Specifically, the Notice alleged that Dominion failed to conduct an effectiveness evaluation within a four-year interval, pursuant to Sections 8.4 and 8.5 of API RP 1162. Dominion initiated its baseline public awareness program on June 15, 2006. Therefore, its effectiveness evaluation should have been conducted on or before June 15, 2010.

In its Response, Dominion contested this allegation of violation. Respondent asserted that it completed the effectiveness evaluation in a timely manner. In support of its position, Dominion provided documentation showing completion of the Pipeline Public Awareness Plan Effectiveness Surveys for 2006 and 2010, a copy of the July 2010 Pipeline Safety Awareness Survey conducted by Market Strategies, International, and a December 9, 2010 e-mail that Dominion claimed documents the review, recommendations and supplemental activities resulting from its December 3, 2010 Communications Team meeting.²

The very information Dominion provided in support of its position establishes its failure to comply with the regulations. The 2010 effectiveness survey was not completed until July 29, 2010.³ Additionally, the December 9, 2010 e-mail stated that “[o]n December 3rd, the Communications Team completed Dominion Transmissions annual Pipeline Public Awareness Plan self-assessment.” (emphasis added).⁴ By its own submissions, Dominion’s evaluation of its Public Awareness Plan was not completed by June 15, 2010. Therefore, I find that Dominion violated 49 C.F.R. § 192.616(c) by failing to follow the general program recommendations, including baseline and supplemental requirements of API RP 1162.

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 1 in the Notice for violation of 49 C.F.R. §192.616(c). 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. Pursuant to the authority of 49 U.S.C.

² See Respondent’s Response to the Notice (Response) and its attached documents.

³ See Respondent’s 2010 PPAP Survey Completion attached to its Response.

⁴ See Respondent’s Email Notification attached to its Response.

§ 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:

1. With respect to the violation of § 192.616(c) (**Item 1**), if Respondent has completed an evaluation in accordance with Section 8.4 of API RP 1162 since June 15, 2010, it must:
 - a. Submit the evaluation and a report that details how it plans or has implemented improvements to its public awareness program for approval by the Director, within thirty (30) days of receipt of the Final Order.
 - b. Submit all related information and reports for this effort to Byron Coy, PE, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration, Suite 103, Bear Tavern Road, West Trenton, NJ 08628.
2. With respect to the violation of § 192.616(c) (**Item 1**), if Respondent has not completed an evaluation in accordance with Section 8.4 of API RP 1162 that has been approved by the Regional Director, it must:
 - a. Conduct an evaluation in accordance with Section 8.4 of API RP 1162 and its applicable procedures within ninety (90) days of receipt of the Final Order.
 - b. Submit a report that details how it plans to implement improvements to its public awareness program on the results of the evaluation or justify why improvements are not practicable and not necessary for safety within 120 days of receipt of the Final Order.
 - c. Submit all related information and reports for this effort to Byron Coy, PE, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration, Suite 103, Bear Tavern Road, West Trenton, NJ 08628
3. It is requested (not mandated) that Dominion maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Byron Coy, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration, Suite 103, Bear Tavern Road, West Trenton, NJ 08628.

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.

Failure to comply with this Order may result in the administrative assessment of civil penalties not to exceed \$200,000 for each violation for each day the violation continues or in referral to the Attorney General for appropriate relief in a district court of the United States.

WARNING ITEMS

With respect to Items 2 and 3, the Notice alleged probable violations of Part 192 but did not propose a civil penalty or compliance order for these items. Therefore, these are considered to be warning items. The warnings were for:

49 C.F.R. § 192.616(a) (**Item 2**) — Respondent’s alleged failure to follow the guidance in API RP 1162 Section 4.11 which states: “[w]here applicable and in accordance with the national Homeland Security efforts, pipeline operators should communicate an overview pertaining to security to their pipelines and related facilities;” and

49 C.F.R. § 192.616(a) (**Item 3**) — Respondent’s alleged failure to follow the guidance in API RP 1162 Section 4.1, requiring operators to provide assurances that security is considered.

Dominion presented information in its Response showing that it had taken certain actions to address the cited items. If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

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 sent to: Associate Administrator, Office of Pipeline Safety, PHMSA, 1200 New Jersey Avenue, SE, East Building, 2nd Floor, Washington, DC 20590, with a copy sent to the Office of Chief Counsel, PHMSA, at the same address. PHMSA will accept petitions received no later than 20 days after receipt of service of this Final Order by the Respondent, provided they contain a brief statement of the issue and meet all other requirements of 49 C.F.R. § 190.215. Unless the Associate Administrator, upon request, grants a stay, the terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued