



U.S. Department  
Of Transportation  
**Pipeline and  
Hazardous Materials  
Safety Administration**

820 Bear Tavern Road, Suite 103  
West Trenton, NJ 08628  
**609.989.2171**

## **NOTICE OF PROBABLE VIOLATION and PROPOSED COMPLIANCE ORDER**

### **Overnight Express Mail**

April 15, 2013

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

**CPF 1-2013-1007**

Dear Mr. Barger:

From November 30 to December 2, 2010, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected the Dominion Transmission, Inc. (Dominion) Public Awareness Program in Clarksburg, West Virginia.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violations are:

**1. §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.**

Dominion did not follow the general program recommendations, including baseline and supplemental requirements of American Petroleum Institute (API) Recommended Practice (RP) 1162.

Under Section 8.4 of API RP 1162, an operator should measure the program effectiveness. As such, an operator should assess four measures to determine whether the actions undertaken in the implementation

of API RP 1162 are achieving the intended goals and objectives (effectiveness evaluation).<sup>1</sup> Under Section 8.5 of API RP 1162, an operator must evaluate the effectiveness of its program “[n]o more than four years apart”.<sup>2</sup> Dominion did not follow Sections 8.4 and 8.5 of API RP 1162 because it did not conduct an effectiveness evaluation within the four year interval.

Dominion implemented its baseline public awareness program on June 15, 2006.<sup>3</sup> Therefore, Dominion had to conduct its effectiveness evaluation no later than June 15, 2010. At the time of the inspection, Dominion stated that the effectiveness evaluation would be conducted during a communication team meeting, which was scheduled to be held on December 3, 2010. Hence, Dominion planned to conduct the effectiveness evaluation after June 15, 2010. Dominion was unable to produce documentation that demonstrated it conducted an effectiveness evaluation by June 15, 2010. Furthermore, Dominion did not provide any justification in its program or procedural manual as to why compliance with Sections 8.4 and 8.5 of API RP 1162 was not practicable and not necessary for safety.

Therefore, Dominion did not follow Sections 8.4 and 8.5 of PI RP 1162 as required by 192.616(c).

## 2. §192.616 Public Awareness

**(a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see § 192.7).**

Dominion’s written continuing education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, did not follow the guidance in API RP 1162 Section 4.11. API RP 1162 Section 4.11 states “[w]here applicable and in accordance with the national Homeland Security efforts, pipeline operators should communicate an overview pertaining to security of their pipelines and related facilities.”

Dominion’s *Pipeline Public Awareness Plan* did not have an overview pertaining to security of their pipelines and related facilities.

## 3. §192.616 Public Awareness

**(a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see § 192.7).**

Dominion’s written continuing education program, *Pipeline Public Awareness Plan, Rev 5.0, effective 5/21/2010*, did not follow the guidance in API RP 1162 Section 4.1. API RP Section 4.1 requires operators to provide assurances that security is considered.

<sup>1</sup> American Petroleum Institute Recommended Practice 1162, First Edition, December 2003, Section 8.4 Measuring Program Effectiveness at pages 27-28.

<sup>2</sup> *Id.*, Section 8.5 Summary of Baseline Evaluation Program at page 29.

<sup>3</sup> Dominion’s Pipeline Public Awareness Plan, Rev 0.0 was effective as of 06/15/2006.

Dominion's *Pipeline Public Awareness Plan* or materials that were sent to stakeholders did not provide assurance that security was considered.

Proposed Compliance Order

With respect to item 1 pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Dominion. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Warning Items

With respect to items 2 and 3, we have reviewed the circumstances and supporting documents involved in this case and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to promptly correct this item. Be advised that failure to do so may result in Dominion being subject to additional enforcement action.

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance 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). 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 a Final Order.

In your correspondence on this matter, please refer to **CPF 1-2013-1007** and for each document you submit, please provide a copy in electronic format whenever possible, and please whenever possible provide a signed PDF (Portable Document Format). Smaller files may be emailed to [Byron.Coy@dot.gov](mailto:Byron.Coy@dot.gov). Larger files should be sent on a CD (Compact Disc) accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

Byron Coy, PE  
Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration

Enclosures: *Proposed Compliance Order*  
*Response Options for Pipeline Operators in Compliance Proceedings*

## PROPOSED COMPLIANCE ORDER

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), proposes to issue to Dominion Transmission, Inc. (Dominion) a Compliance Order incorporating the following remedial requirements to ensure the compliance of Dominion with the pipeline safety regulations:

1. In regards to Item Number 1 of the Notice pertaining to 192.616(c), Dominion must :
  - a. Conduct an evaluation in accordance with Section 8.4 of American Petroleum Institute (API) Recommended Practice (RP) 1162 and its applicable procedures within sixty (60) days of receipt of the Final Order.
  - b. Submit a report that details how it plans to implement improvements to its public awareness program based on the results of the evaluation or justify why improvements are not practicable and not necessary for safety within one hundred twenty (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.
2. 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. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.