



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 CIVIL PENALTY**

UPS OVERNIGHT DELIVERY

October 18, 2010

Mr. Jeff Barger, Vice President Operations
Dominion Transmission, Inc.
445 West Main Street
Clarksburg, WV 26301

CPF 1-2010-1006

Dear Mr. Barger:

On May 8, 2009, a representative of the West Virginia Public Service Commission acting as an interstate agent for the Eastern Region, Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code, conducted an investigation regarding an incident (NRC#904877) that occurred on Dominion's system near Cox's Mills, Gilmer County, West Virginia.

On May 7, 2009, a contractor working for Dominion Transmission, Kevin Hem Backhoe Services, ruptured Dominion's pipeline TL-286 while using a bulldozer to scrape mud off an access road. Dominion was in the process of performing work on well 2168 when the incident occurred. The contractor was using the dozer to assist with the movement of heavy equipment to the site.

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

1. 192.605 Procedural manual for operations, maintenance, and emergencies.

Each operator shall include the following in its operating and maintenance plan:

(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least one each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

§192.613(a) requires that each operator have a procedure for continuing surveillance of its facilities to determine and take appropriate action concerning changes in class location, failures, leakage history, corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions. DTI procedure, *Guidelines for Construction Activities on Rights of Way and in the Vicinity of Dominion, Inc. (DTI) Pipelines* addresses this requirement as it relates to construction activities on Rights-of-Way and in the vicinity of DTI pipelines.

Dominion failed to perform the actions required by Section 5 of the procedure (Crossing Pipelines with Heavy Equipment) which requires DTI to perform a field survey and an engineering study to determine the effects of any proposed activity over its pipeline. Had Dominion personnel performed this survey they would have found the pipeline was only inches deep and could have taken appropriate steps to prevent the dozer from hitting the pipeline.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation(s) and has recommended that you be preliminarily assessed a civil penalty of \$60,000 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$60,000

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 1-2010-1006** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

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

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*

CC: *my*