

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 16, 2009

Mr. Chris Charrette
Plant Manager
Bulldog Gas & Power, LLC
950 Waterbird Way
Martinez, CA 94553

CPF 5-2009-0029W

Dear Mr. Charrette:

On March 23, 2009, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected your pipeline safety Operator Qualification (OQ) Program in Martinez, California.

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 item inspected and the probable violation is:

1. § 192.805 Operator Qualification program.

(b) Ensure through evaluation that individuals performing covered tasks are qualified;

The Bulldog Gas & Power OQ program describes policy and criteria for the use of training for individuals performing covered tasks for its pipeline system, but does not describe criteria for re-training and re-evaluation if qualifications are questioned. In addition, the program indicates two-year intervals for re-evaluation, but it does not technically justify this requirement.

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. 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 correct the item(s) identified in this letter. Failure to do so will result in Bulldog Gas & Power, LLC being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 5-2009-0029W**. 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).

Sincerely,

Chris Hoidal
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry
PHP-500 P. Nguyen (#123246)