



**April 9, 2024**

Ms. Laura Boisvert  
Senior Vice President, Operations Washington  
Washington Gas Light Company  
6801 Industrial Road  
Springfield, Virginia 22151

**NOTICE OF PROBABLE VIOLATION**

Dear Ms. Boisvert:

Included in this notice letter is a Notice of Probable Violation (“NOPV”) issued pursuant to Section 2311 of the District of Columbia Municipal Regulations (“DCMR”).<sup>1</sup> The facts of the probable violation, the required remedial actions, and associated penalty is described herein.

The Commission’s Office of Compliance and Enforcement (“OCE”) identified One (1) NOPV, which was discovered by analyzing the reports (“Damage Reports”) submitted by Washington Gas Light Company (“WGL” or “Company”) pursuant to 15 DCMR § 2305.2 (g).<sup>2</sup>

The violation identified in this notice posed a risk to WGL’s existing underground facilities, the public, property, and the environment. The penalty associated with the violation has

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<sup>1</sup> 15 DCMR § 2311.

<sup>2</sup>

This document is confidential.

been calculated by applying the facts of the violation to a list of aggravating and mitigating factors, including the factors listed in D.C. Code § 34-706 and 15 DCMR § 2398.7. OCE carefully considered all these factors and specifically focused on the location of the violation, the type of pipeline involved and associated pressure, whether WGL followed its safety and damage prevention procedures, the duration of the violation, and WGL's efforts to immediately mitigate the safety hazards from the violation. OCE also considered WGL's compliance history and whether the violation(s) created a potential for damage or actual damage to the gas facility. WGL's compliance history shows that the Company had repeated prior violations involving mismarking, failure to mark its facilities, inaccurate records, and damage to its pipelines. Additional factors included in the penalty determination are listed in the civil penalty subsection of each violation.

OCE has determined that WGL should be subject to civil penalties (total \$2,700) under D.C. Code § 34-706 (b) for the violation included in this notice, which individually and when considered together, present a serious risk to the public, property, and the environment.

As required by 15 DCMR §§ 2312.1-2312.2, WGL shall submit its payment and/or written response to the violation included in this notice within thirty (30) days of receipt of the notice. All remedial actions associated with the specific violation in this notice shall be completed by WGL no later than thirty (30) days of the date of this notice. Within five (5) days of completion, WGL shall file a notice of remedial action completion with the Commission and provide evidence that the required actions have been completed for the violation. If the evidence is voluminous, such as multiple training records, *in lieu* of providing the record, the Company shall provide an affidavit by a senior safety manager affirming that the tasks were completed.

### **JURISDICTION**

The Commission is vested with jurisdiction in this matter pursuant to D.C. Code § 34-301 and 15 DCMR § 2300.1. Section 2301.1 of 15 DCMR adopts the federal government's gas safety regulations for transportation of natural and other gas by pipeline as the minimum natural gas pipeline safety standards for intrastate natural gas transmission and distribution facilities. The Commission has mandated additional safety requirements included generally in Chapter 23 of 15 DCMR.

The Commission has jurisdiction under D.C. Code § 34-706 (b) to impose civil penalties for any violation of Commission regulations governing the safety of pipeline facilities and the transportation of gas. Civil penalties established by the Commission shall not exceed the maximum civil penalties established by federal laws and regulations.

## **VIOLATION RESULTING IN DAMAGE TO WGL'S UNDERGROUND FACILITIES**

### **NOPV24-15-D (VIO2024-15-G)**

#### **1) Violation Facts**

This violation was discovered during a review of WGL's Damage Report [REDACTED] for the period December 1, 2023, to January 31, 2024.<sup>3</sup> WGL violated 49 CFR § 192.605 (a) for failure to follow Sections 2010, Recordkeeping (page 1, Revision #7, Effective 9/1/2020) and 4101, One-Call Programs (page 4, Revision #6, Effective 7/24/2018) of its Operations & Maintenance Manual, and 15 DCMR § 2314.4. WGL's Damage Report for the December 5, 2023, damage at [REDACTED], in a residential area of the District, shows that a third-party excavator, [REDACTED], was excavating when it struck a 3/4" plastic natural gas service line. WGL's Damage Investigator concluded that the facility was included in WGL's facility records, but the locator, UtiliQuest, failed to locate and mark the facility accurately. UtiliQuest's failure to accurately mark the underground facility resulted in damage to the natural gas facility and created a release, accumulation, and/or migration of natural gas and the potential risk of gas explosion and fire. WGL's repair crew repaired the damage. WGL failed to follow its own written damage prevention program, established in accordance with the minimum requirements in 49 CFR § 192.614 (c).

#### **2) Remedial Actions**

WGL should take the necessary steps to prevent the above violation from reoccurring. WGL must investigate why the locator failed to mark the facility accurately. Any repeat violation(s) of this nature could subject WGL to increased penalties, as permitted by D.C. Code § 34-706 and Commission rules.

#### **3) Civil Penalty**

Based on these facts, WGL shall pay a civil penalty of \$2,700. When determining the penalty amount, OCE considered a series of factors, including: 1) the violation resulted in damage to a 3/4" plastic natural gas service line and posed a potentially serious and immediate threat to public safety because it could have caused a release of gas, explosion and fire, property damage, and severe injury or death to persons; 2) the damage occurred in a residential area of the District; 3) the locator failed to locate and mark the facility accurately; and 4) WGL's compliance history shows that WGL had the same or similar violations in the past, indicating a repeated failure to mark its facilities accurately. OCE considered WGL's repair of the damage as a mitigating factor.

Payment of penalties is to be made by ACH/Wire Transfer. When making payment, WGL should submit an email ([pscpcwires@psc.dc.gov](mailto:pscpcwires@psc.dc.gov)) within two days of ACH/Wire Transfer to the AFO with the following information: 1) Case Number; 2) Company Name; 3) PSC Order No., if

applicable; 4) Wire Transfer Submitted Date; 5) Wire Transfer Confirmation Number; and 6) Wire Transfer Amount.

If you have any questions, please contact the Chief of Office of Compliance and Enforcement at 202-626-9190.

Sincerely,

*Donald Jackson*

for Udeozo Ogbue, P.Eng., DBM  
Chief, Office of Compliance and Enforcement

CC: Robert Cain, II, Associate General Counsel  
Steve Price, Assistant Vice President, Safety,  
Quality & Systems Protection

**ATTACHMENTS**

**CONFIDENTIAL**