



August 15, 2024

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

NOTICES OF PROBABLE VIOLATIONS

Dear Ms. Boisvert:

Included in this letter are Notices of Probable Violations (“NOPVs”) issued pursuant to Section 2311 of Title 15 of the District of Columbia Municipal Regulations (“DCMR”).¹ The facts of each probable violation, the required remedial actions, and associated penalties are described herein.

The Public Service Commission of the District of Columbia (“Commission”) Office of Compliance and Enforcement (“OCE”) identified five (5) probable violations, which were documented in the “Damage Reports” submitted by Washington Gas Light Company (“WGL” or “Company”) on June 12, 2024, pursuant to 15 DCMR § 2305.2(g).²

The probable violations identified in this notice individually and collectively posed varying

¹ 15 DCMR § 2311. This section establishes standards for Notice of Probable Violations involving inspections of operator’s records and facilities to ensure proper pipeline safety.

²

is confidential.

This document

degrees of risk to WGL's existing underground facilities, the public, property, and the environment. The penalties associated with each violation have been calculated by applying the facts of each violation to a list of aggravating and mitigating factors, including the factors listed in D.C. Code § 34-706³ and 15 DCMR § 2397.⁴ OCE carefully considered all these factors and specifically focused on: (1) the location of the violation; (2) the type of pipeline involved and associated pressure; (3) whether WGL followed its safety and damage prevention procedures; (4) the duration of the violation; and (5) WGL's efforts to immediately mitigate the safety hazards. 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 for each violation.

OCE has determined that WGL should be subject to civil penalties (**total \$16,800**) under D.C. Code § 34-706(b)⁵ for the violations 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 §§ 2312.1-2312.2,⁶ WGL shall submit its payment and/or written response to the violations included in this notice within thirty (30) days of receipt of the notice. All remedial actions associated with the specific violations in this notice shall be completed by WGL no later than thirty (30) days from 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 each 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.⁷

JURISDICTION

The Commission is vested with jurisdiction in this matter pursuant to D.C. Code § 34-301⁸ and 15 DCMR § 2300.1.⁹ Section 2301.1 of 15 DCMR¹⁰ adopts the federal government's gas

³ D.C. Code § 34-706. This section establishes consequences for violation of pipeline safety regulations.

⁴ 15 DCMR § 2397. This section establishes civil penalties amounts for violations of pipeline safety.

⁵ D.C. Code § 34-706(b). This section requires civil penalties of gas corporations not exceed federal maximums.

⁶ 15 DCMR §§ 2312.1-2312.2. These sections require gas corporations to respond within 30 days to a notice of probable violation and establishes the details necessary to be included in the response, respectively.

⁷ Unless indicated otherwise, these instructions apply to all violations in this Notice.

⁸ D.C. Code § 34-301. This section establishes the general powers of the Public Service Commission.

⁹ 15 DCMR § 2300.1. This section establishes the authority of the Public Service Commission over gas corporations within the District of Columbia.

¹⁰ 15 DCMR § 2301.1. This section adopts federal government gas safety regulations for transportation of natural 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)¹¹ 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.

¹¹ D.C. Code § 34-706(b). This section requires civil penalties of gas corporations not exceed federal maximums.

VIOLATIONS RESULTING IN DAMAGES TO WGL'S UNDERGROUND FACILITIES

NOPV24-23-D (VIO2024-23-G)

1) Violation Facts

This violation was discovered during a review of WGL's Damage Report [REDACTED] [REDACTED] for the period April 1, 2024, to May 31, 2024.¹² WGL violated 49 CFR § 192.605 (a) for failure to follow Section 4101, One-Call Programs (page 4, Revision #6, Effective 7/24/2018) of its Operations & Maintenance ("O&M") Manual, and 15 DCMR § 2314.4. WGL's Damage Report for the April 4, 2024, damage at [REDACTED], indicates that a third-party excavator, [REDACTED], struck a medium pressure 1.25 inches natural gas service line while excavating in a residential area. WGL's Damage Investigator concluded that the locator failed to mark the facility as requested. Due to the locator's failure to mark, damage to the natural gas service line 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. 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 **\$3,200**. When determining the penalty amount, OCE considered a series of factors, including: (1) the violation resulted in damage to a medium pressure 1.25 inches 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; (3) the locator failed to mark the facility accurately; and (4) WGL's compliance history shows that WGL had 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.

¹²

[REDACTED] (Confidential).

NOPV24-24-D (VIO2024-24-G)

1) Violation Facts

This violation was discovered during a review of WGL's Damage Report [REDACTED] [REDACTED] for the period April 1, 2024, to May 31, 2024.¹³ WGL violated 49 CFR § 192.605 (a) for failure to follow Section 4101, One-Call Programs (page 4, Revision #6, Effective 7/24/2018) of its O&M Manual, and 15 DCMR § 2314.4. WGL's Damage Report for the April 10, 2024, damage at [REDACTED] indicates that a third-party excavator, [REDACTED], struck a low pressure 1-inch natural gas service line while excavating in a residential area. WGL's Damage Investigator concluded that the locator failed to mark the facility as requested. Due to the locator's failure to mark, damage to the natural gas service line 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. 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 **\$3,100**. When determining the penalty amount, OCE considered a series of factors, including: (1) the violation resulted in damage to a low pressure 1 inch 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; (3) the locator failed to mark the facility accurately; and (4) WGL's compliance history shows that WGL had 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.

¹³ [REDACTED]

(Confidential).

NOPV24-25-D (VIO2024-25-G)

1) Violation Facts

This violation was discovered during a review of WGL's Damage Report [REDACTED] for the period April 1, 2024, to May 31, 2024.¹⁴ WGL violated 49 CFR § 192.605 (a) for failure to follow Section 4101, One-Call Programs (page 4, Revision #6, Effective 7/24/2018) of its O&M Manual, and 15 DCMR § 2314.4. WGL's Damage Report for April 17, 2024, damage at [REDACTED] indicates that a third-party excavator, [REDACTED], struck a medium pressure 3/4 inches natural gas service line while excavating in a residential area. WGL's Damage Investigator concluded that the locator failed to mark the facility as requested. Due to the locator's failure to mark, damage to the natural gas service line 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. 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 **\$3,100**. When determining the penalty amount, OCE considered a series of factors, including: (1) the violation resulted in damage to a medium pressure 3/4 inches 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; (3) the locator failed to mark the facility accurately; and (4) WGL's compliance history shows that WGL had 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.

¹⁴ [REDACTED]

(Confidential).

NOPV24-26-D (VIO2024-26-G)

1) Violation Facts

This violation was discovered during a review of WGL's Damage Report [REDACTED] for the period April 1, 2024, to May 31, 2024.¹⁵ 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 O&M Manual, and 15 DCMR § 2314.4. WGL's Damage Report for the April 22, 2024, damage at [REDACTED] indicates a third-party excavator, [REDACTED], struck a medium pressure 3/4 inches natural gas service line while excavating in a residential area. WGL's Damage Investigator concluded that WGL's records included the gas facility, but the facility records were inaccurate because the facility was not located as indicated in WGL's facility records. UtiliQuest failed to accurately mark the gas facility due to WGL's inaccurate facility records, resulting in damage to the natural gas service line, creating 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 records were inaccurate. 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 **\$3,600**. When determining the penalty amount, OCE considered a series of factors, including: (1) the violation resulted in damage to a medium pressure 3/4 inches 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; (3) the locator mismarked the facility due to WGL's inaccurate records; and 4) WGL's compliance history shows that WGL had 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.

¹⁵

[REDACTED] (Confidential).

NOPV24-27-D (VIO2024-27-G)

1) Violation Facts

This violation was discovered during a review of WGL's Damage Report [REDACTED] [REDACTED] for the period April 1, 2024, to May 31, 2024.¹⁶ WGL violated 49 CFR § 192.605 (a) for failure to follow Section 4101, One-Call Programs (page 4, Revision #6, Effective 7/24/2018) of its O&M Manual, and 15 DCMR § 2314.4. WGL's Damage Report for the May 24, 2024, damage at [REDACTED] indicates that a third-party excavator, [REDACTED], struck a medium pressure 4 inches natural gas main line while excavating in a residential area. WGL's Damage Investigator concluded that WGL's records included the gas facility, but the marking did not extend far enough to cover the entire area of the underground gas facility. Due to the locator's failure to accurately mark, damage to the natural gas service line 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 **\$3,800**. When determining the penalty amount, OCE considered a series of factors, including: (1) the violation resulted in damage to a medium pressure 4 inches plastic, natural gas main 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; (3) the locator failed to mark the facility accurately; and (4) WGL's compliance history shows that WGL had 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.

¹⁶ [REDACTED] (Confidential).

Payment of penalties is to be made by ACH/Wire Transfer. When making payment, WGL should submit an email (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 202-626-5130.

Sincerely,

Donald Jackson
For Ahmadou L. Bagayoko
Chief, Office of Compliance
and Enforcement

CC: Steve Price, Assistant Vice President, Safety,
Quality & Systems Protection

John C. Dodge, Associate General Counsel
and Director, Regulatory Matters

ATTACHMENTS

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