



Public Service Commission of the District of Columbia

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Washington, D.C. 20005

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www.dcpsc.org

October 12, 2018

Douglas A. Staebler
Senior Vice President, Operations Engineering, Construction, and Safety
Washington Gas Light Company
6801 Industrial Road
Springfield, Virginia 22151

NOTICES OF PROBABLE VIOLATIONS

Dear Mr. Staebler:

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

The Commission’s Office of Compliance and Enforcement (“OCE”) identified violations that gave rise to five (5) NOPVs. The violations were discovered through a review of reports (“Damage Reports”) submitted by Washington Gas Light Company (“WGL” or “Company”) pursuant to 15 DCMR § 2305.2(g) and during field inspections performed by OCE pipeline safety inspectors.

OCE determined that the violations included in the five (5) NOPVs individually and collectively posed varying degrees of risk to WGL’s existing underground facilities, the public, property, and to the environment. The penalties associated with each violation have been calculated by applying the facts of each violation to a list of aggravating or mitigating factors, including the mandatory factors listed in D.C. Code § 34-706 and 15 DCMR § 2398. OCE focused closely on factors such as the location where the violation occurred, the type of pipeline involved, whether WGL followed its procedures, the duration of the violation, WGL’s efforts to immediately mitigate the hazards from the violation, WGL’s compliance history and whether the violation resulted in a damage to the gas facility. Specific factors of concern are listed in the civil penalty subsection of each violation.

Pursuant to D.C. Code § 34-706(b) and related risks to the public, property, and the environment, OCE determined that WGL is subject to civil penalties, totaling **\$13,300** for the violations associated with the five (5) NOPVs. Furthermore, to assist WGL in complying with federal and District laws and regulations governing the distribution of natural gas and damage prevention, OCE has lowered the civil penalties as an incentive for WGL to participate in and implement the outcomes of an ongoing series of

¹ 15 DCMR § 2311 (2013).

compliance technical conferences.² This level of civil penalties is contingent on WGL taking the compliance measures identified within each NOPV and outlined in the Compliance Measures section of the April 9, 2018, NOPVs Notice. Failure to comply with these additional measures may lead to increased penalty amounts, as determined by OCE based on the facts and circumstances of each violation, but not to exceed the maximum civil penalties established by the federal laws and regulations.

As required by 15 DCMR §§ 2312.1-2312.2, WGL should submit its written response to the violations included in this notice and pay any undisputed penalties within thirty (30) days of receipt of the notice. All remedial actions associated with the specific violations in this notice should be completed by WGL no later than sixty (60) days of the date of this notice. Within five (5) days of completion, WGL should file a notice of remedial action completion with OCE and provide evidence that the required actions have been completed for each violation. WGL should include documents showing the updated facility mapping (with dates of design, as built and/or modified), re-training and enhanced inspection, monitoring, deploying state of the art technology for hard to locate facilities, retraining of contractors, and any other relevant information.

JURISDICTION

The Commission is vested with authority in this matter pursuant to D.C. Code § 34-301 and 15 DCMR § 2300.1. Section 2301.1 adopts the federal government's gas safety regulations for transportation of natural and other gas by pipeline, codified in 49 CFR §§ 190, 191, 192 and 199, 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 its rules.

The Commission has authority under D.C. Code § 34-706(b) to impose civil penalties for any violation of Commission regulation 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.

VIOLATIONS RELATED TO UNDERGROUND FACILITIES PROTECTION

NOPV18-09-F

1) Facts

These violations were discovered during an on-site inspection conducted on April 25, 2018, at 1380 Taylor St. N.W., DC. WGL violated 49 CFR § 192.605(a) for failure to follow Sections 2010 (pages 1-2) and 4101 (page 4) of its O&M Manual, and 15 DCMR § 2314.4. WGL failed to properly mark a gas pipeline, which was mismarked by 10 feet from the actual location of the gas service line, as shown in the attached violation report. (See Violation Report VR # 18-09-F). The excavator, Dynamic Concepts, Inc, was excavating to replace an existing gas service line but did not find the service line at the location where WGL's locator, UtiliQuest, had marked. In addition, subsequent OCE investigation confirmed that WGL's records were inaccurate and were not timely updated and maintained, causing the inaccurate marking.

² *Notice of Probable Violations, VIO2018-01-G-1 through VIO2018-38-G-1 ("April 9, 2018 NOPV Notice")*, Notice of Probable Violations at 18-19, rel. April 9, 2018.

2) Remedial Actions

WGL must investigate why its records were not properly updated at the time of the violation. WGL already presented evidence to OCE that following the violation, the records were properly updated. Any repeat record, marking and/or damage violation(s) of this kind may subject WGL to increased penalties, as permitted by D.C. Code § 34-706 and the Commission rules.

3) Civil Penalty

Based on these facts, WGL shall pay a civil penalty of **\$2,700.00** for WGL's failure to maintain and interpret its records correctly and to mark the facility correctly. WGL's marking was off by a substantial margin, thus making the marking unusable by WGL's excavators. WGL's compliance history shows that WGL had the same or similar violations in the past. In determining the civil penalty, OCE considered as a mitigating factor the fact that WGL managed to eventually locate the facility and has corrected its records.

NOPV18-10-D³

1) Facts

These violations were discovered during a review of WGL's Damage Report (No. 573972) for the period of April 1, 2018 to May 31, 2018. WGL violated 49 CFR § 192.605(a) for failure to follow Sections 2010 (pages 1-2) and 4101 (page 4) of its O&M Manual, and 15 DCMR § 2314.4. The Damage Report for the May 23, 2018, damage at 901 F St. N.E., DC, shows that the excavator, DC Water, was excavating when it struck a WGL 2" plastic gas main line. The damage to the 2" plastic gas main line was repaired by WGL's repair crew. The gas main line was mismarked by 5 feet from the actual location of the gas main line because WGL failed to maintain accurate records and failed to accurately mark the gas pipeline. WGL's failures caused the hit and damage to its gas main line. 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 investigate why the gas main line was not accurately documented on WGL's gas facilities drawings, update its gas line records for this location, and investigate why the locator failed to accurately mark the underground facility as requested in the scope of work on the ticket (#18324747). WGL should also take the necessary steps to prevent the above violations from recurring. WGL should describe these steps in detail in its written response to OCE within thirty (30) days of receipt of this Notice. The steps should include, but not be limited to, training and enhanced inspection, monitoring, deploying state of the art technology for hard-to-locate facilities, and internal audit of facility locators. Any repeat record, marking and/or damage violation(s) of this kind may subject WGL to increased penalties, as permitted by D.C. Code § 34-706 and the Commission rules.

3) Civil Penalty

³ WGL has conceded to the facts of the violations associated with the Damage Reports under 15 DCMR § 2305.2(g) because they are presented by WGL as true and accurate in the reports.

Based on these facts, WGL shall pay a civil penalty of **\$2,500.00**. This violation resulted in damage to a gas main line posing a serious and immediate threat to public safety. The violation took place in close proximity to a school and a recreation center, thus increasing the risk to the public, property and the environment. WGL's compliance history shows that WGL had same or similar violations in the past. In determining the civil penalty, OCE considered as a mitigating factor WGL's attempt to reduce the hazards of the gas leak by repairing the damage in a timely fashion, and the fact that a third-party contractor caused the damage.

NOPV18-11-D

1) Facts

These violations were discovered during a review of WGL's Damage Report (No. 572141) for the period of April 1, 2018 to May 31, 2018. WGL violated 49 CFR § 192.605(a) for failure to follow Sections 2010 (pages 1-2) and 4101 (page 4) of its O&M Manual, and 15 DCMR § 2314.4. The WGL Damage Report for the April 24, 2018, damage at 1319 49th St., N.E., DC, shows that the excavator, DC Water, was excavating when it struck a 1/2" plastic gas service line. The damage to the 1/2" plastic gas service line was repaired by WGL's repair crew. The gas service line was mismarked by 8 feet from the actual location of the gas service line because WGL failed to maintain accurate records and failed to accurately mark the gas service line. These failures caused the hit and damage to its gas service line. 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 investigate why the gas service line was not accurately documented on WGL's gas facilities drawings, update its gas line records for this location, and investigate why the locator failed to accurately mark the underground facility as requested in the scope of work on the ticket (#18345904). WGL should also take the necessary steps to prevent the above violations from recurring. WGL should describe these steps in detail in its written response to OCE within thirty (30) days of receipt of this Notice. The steps should include, but not be limited to, training and enhanced inspection, monitoring, deploying state of the art technology for hard-to-locate facilities, and audit of facility locators and excavators. Any repeat record, marking and/or damage violation(s) of this kind may subject WGL to increased penalties, as permitted by D.C. Code § 34-706 and the Commission rules.

3) Civil Penalty

Based on these facts, WGL shall pay a civil penalty of **\$3,200.00**. The violations resulted in damage to a gas service line and posed a serious and immediate threat to public safety. WGL's marking was off by a substantial margin, thus making the marking unusable by the excavators and exposing the underground facility to damage. The violation occurred in close proximity to a library, recreation center, and a high school, thus increasing the risk to the public, property and the environment. WGL's compliance history shows that WGL had same or similar violations in the past. In determining the civil penalty, OCE considered as a mitigating factor, WGL's attempt to reduce the hazards of the gas leak by repairing the damage in a timely fashion, and the fact that a third-party contractor caused the damage.

NOPV18-12-D

1) Facts

These violations were discovered during a review of WGL's Damage Report (No. 571544) for the period of April 1, 2018 to May 31, 2018. WGL violated 49 CFR § 192.605(a) for failure to follow Sections 2010 (page 1) and 4101 (page 4) of its O&M Manual, and 15 DCMR § 2314.4. The WGL Damage Report for the April 13, 2018, damage at 4th St., & E ST., S.E., DC, shows that a third-party excavator, DCI, was excavating when it struck a 4" cast iron low-pressure main line. The damage to the 4" cast iron low-pressure gas main line was repaired by WGL. The cast iron low-pressure gas main line was not marked because WGL failed to maintain accurate records and failed to mark the gas main line. These failures caused the hit and damage to its gas main line. 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 investigate why the cast iron low-pressure gas main line was not accurately documented on WGL's gas drawing, update its gas line records for this location, and investigate why the locator failed to accurately mark the underground facility as requested in the scope of work on the ticket (#18211265). WGL should also take the necessary steps to prevent the above violations from recurring. WGL should describe these steps in detail in its written response to OCE within thirty (30) days of receipt of this Notice. The steps should include, but not be limited to, training and enhanced inspection, monitoring, deploying state of the art technology for hard-to-locate facilities, and audit of facility locators and excavators. Any repeat record, marking and/or damage violation(s) of this kind may subject WGL to increased penalties, as permitted by D.C. Code § 34-706 and the Commission rules.

3) Civil Penalty

Based on these facts, WGL shall pay a civil penalty of **\$3,250.00**. The violations resulted in damage to a cast iron low-pressure gas main line and posed a serious and immediate threat to public safety. The violation occurred in a populated residential area with heavier traffic and included a 4-inch main gas line, thus increasing the risk to the public, property and the environment. WGL failed to mark the cast iron low-pressure gas main line, indicating that it was completely unaware of its existence in the ticket request area. WGL's compliance history shows that WGL had same or similar violations in the past. In determining the civil penalty, OCE considered as a mitigating factor WGL's attempt to reduce the hazards of the gas leak by repairing the damage in a timely fashion, and the fact that a third-party contractor caused the damage.

NOPV18-13-D

1) Facts

These violations were discovered during a review of WGL's Damage Report (No. 570043) for the period of February 1, 2018 to March 31, 2018. WGL violated 49 CFR § 192.605(a) for failure to follow Sections 2010 (pages 1 and 2) and 4101 (page 4) of its O&M Manual, and 15 DCMR § 2314.4. The WGL Damage Report for the April 10, 2018, damage at 4512 Foote St., N.E., DC, shows that the excavator, DC Water, was excavating when it struck a 1/2" plastic gas service line. The damage to the 1/2" gas service line was repaired by WGL's repair crew. The service line was mismarked by 3 feet from the actual location of the line. Further, WGL failed to maintain accurate records. These failures

caused the hit and damage to its gas service line. 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 investigate why the gas service line was not accurately documented on WGL's gas drawings, update its gas service line records for this location, and investigate why the locator failed to accurately mark the underground facility as requested in the scope of work on the ticket (#18206983). WGL should also take the necessary steps to prevent the above violations from recurring. WGL should describe these steps in detail in its written response to OCE within thirty (30) days of receipt of this Notice. The steps should include, but not be limited to, training and enhanced inspection, monitoring, deploying state of the art technology for hard-to-locate facilities, and audit of facility locators and excavators. Any repeat record, marking and/or damage violation(s) of this kind may subject WGL to increased penalties, as permitted by D.C. Code § 34-706 and the Commission rules.

3) Civil Penalty

Based on these facts, WGL shall pay a civil penalty of **\$1,650.00**. The violations resulted in damage to a gas line and posed an immediate threat to public safety. WGL's compliance history shows that WGL had same or similar violations in the past. In determining the civil penalty, OCE considered as a mitigating factor WGL's attempt to reduce the hazards of the gas leak by repairing the damage in a timely fashion, and the fact that a third-party contractor caused the damage.

The Chief of the Office of Compliance and Enforcement is available to address any questions or concerns within the 30-day response period for this Notice or thereafter. If you have any questions, please contact the Chief of OCE at 202-626-9190.

Sincerely,



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

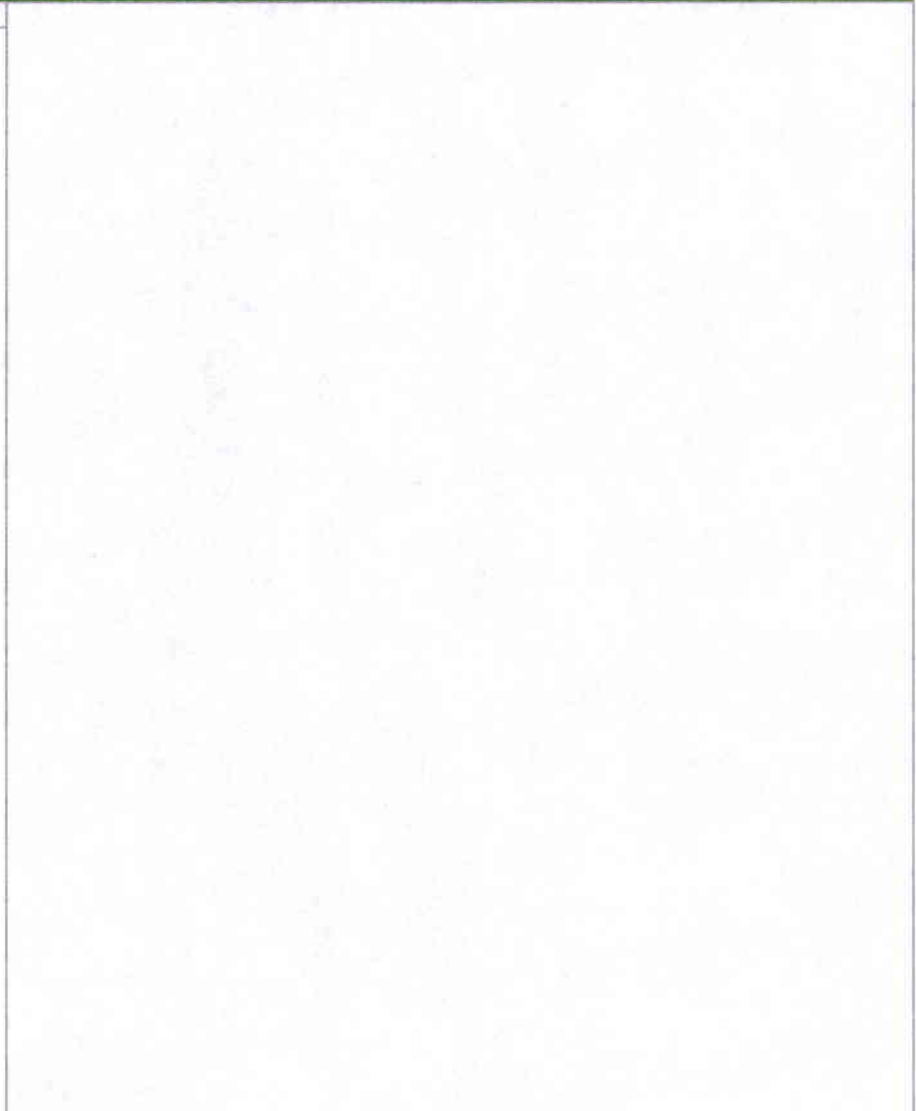
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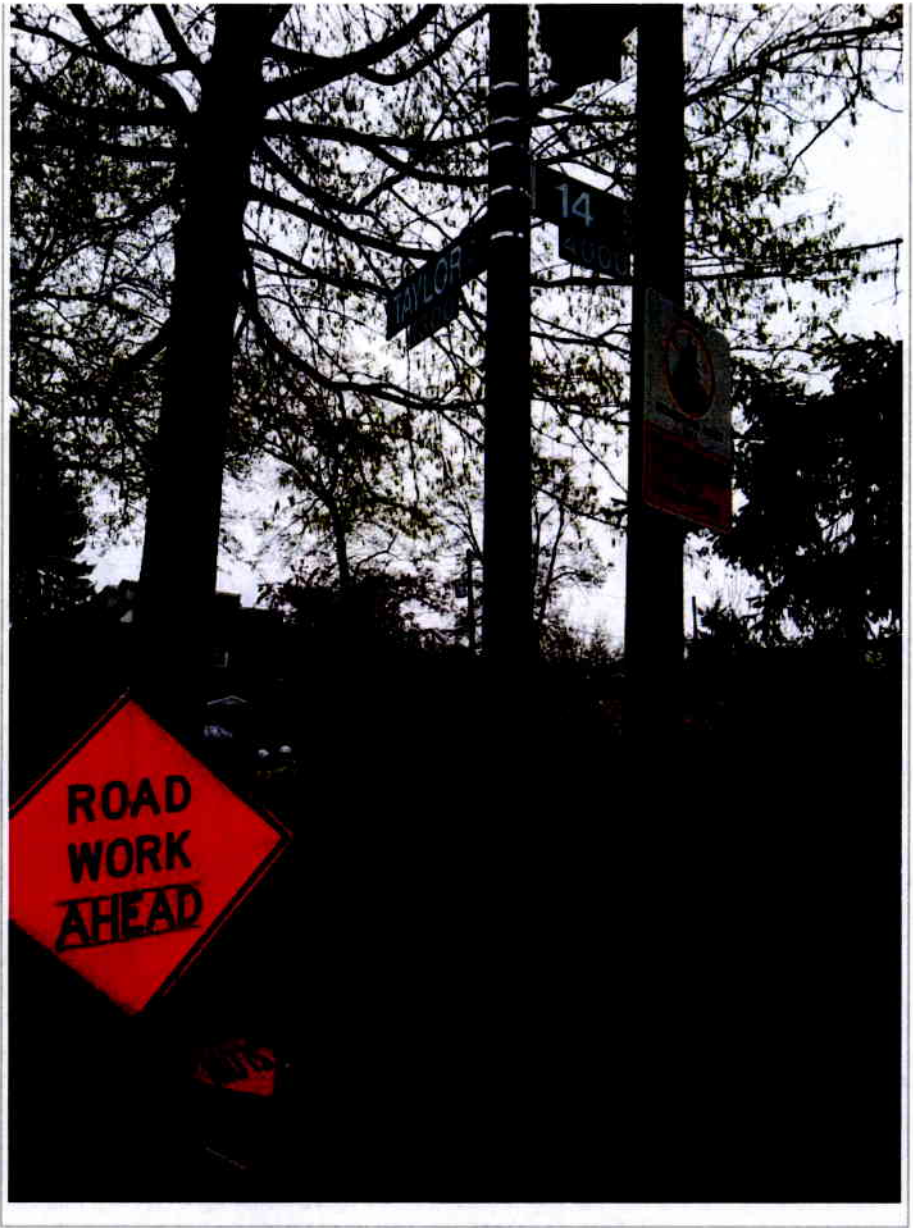
Record: 3827

Date of Inspection	2018-04-25
INSPECTOR'S NAME:	James K Madozie
Ticket Number:	18249064
Address or Street Intersection of Marking	1380 Taylor St NW
Type of work	Replace gas service
Excavator Name:	DCI
Signal Strength (Based on Signal Power Indicator)	N/A
Frequency Used (Transmitter and Receiver must match)	N/A
Volume Level (Based on Level Indicator)	N/A
Lock (Based on lock Indicator)	N/A
Comment	Yes
Inspector's Comments	Missed marking by. Work order #3331331
Findings	
Email To	

Photos

Take Photo





Photos

Take Photo

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Photos

Take Photo



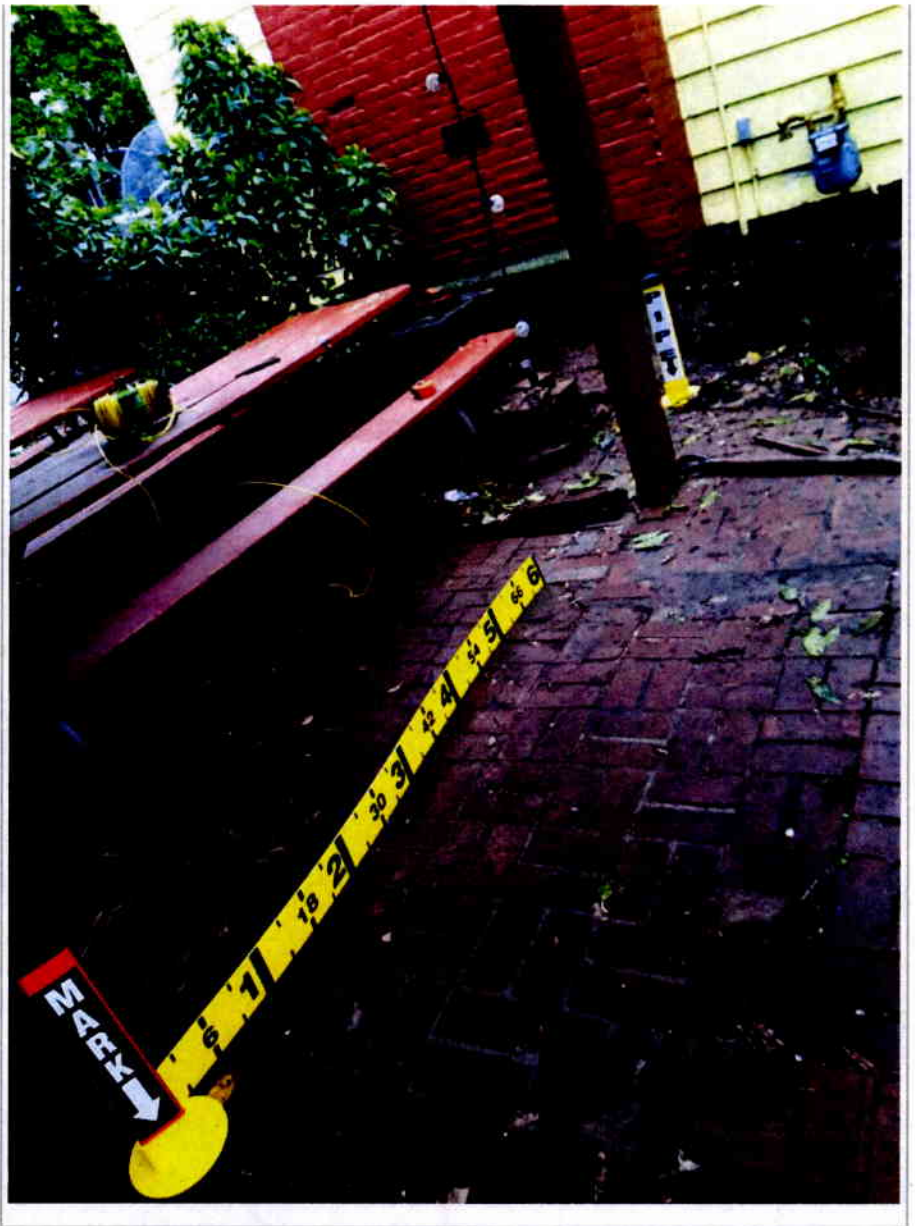
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