



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

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**NOTICE OF PROBABLE VIOLATION**  
**ELECTRONIC MAIL – READ RECEIPT REQUESTED**

April 14, 2020

D.P.U. 19-PL-05

Mark Kempic, President and Chief Operating Officer  
Columbia Gas of Massachusetts  
4 Technology Dr., Suite 250  
Westborough, MA 01581

Re: D.P.U. 19-PL-05, Overpressurization, [REDACTED] Regulator  
Station, Palmer (04/16/2019)

Dear Mr. Kempic:

The Pipeline Safety Division (“Division”) of the Department of Public Utilities (“Department”) issues this Notice of Probable Violation (“NOPV”) to Bay State Gas d/b/a Columbia Gas of Massachusetts (“Columbia Gas” or “Company” or “Respondent”) pursuant to 220 CMR 69.03 and Delegation Order, D.P.U. 18-44-A (2018).

On April 16, 2019, the Division investigated an overpressurization incident at the Columbia Gas [REDACTED] regulator station, pursuant to G.L. c.164, §§ 76 and 105A, and 220 CMR 69.02. On January 22, 2020 the Division issued an Exit Letter outlining preliminary findings from the inspection, to which the Company responded with further

information on February 5, 2020. The Division also issued information requests, to which the Company responded on February 5, 2020. As discussed in detail below, the Division conducted further investigation into the matter and has reason to believe that Respondent may have violated 49 C.F.R. Part 192 (“Part 192”).

I. FINDINGS

A. Overpressurization, System Scope and Impact

During the investigation, the Division found that one meter and regulator (“M&R”) technician and one trainee were performing a routine maintenance task at this location when the overpressurization incident occurred. The Division interviewed the M&R technician and learned that he had mistakenly closed a valve labeled “Do Not Operate,” which directly contributed to the overpressurization. The valve had been marked with an old “Do Not Operate” tag, which was replaced with a new “Do Not Operate” tag following the incident. The M&R technician was unable to produce the old tag for inspection.

During the incident, the distribution system exceeded the established MAOP of ■ psig by ■ psig for six minutes, based on SCADA records. The overpressurization could have affected approximately 9.5 miles of distribution piping containing primarily plastic main and services and approximately 186 feet of coated steel main segments.

Following the incident, as part of the distribution system integrity assessment, the Company conducted both mobile and walking leakage surveys of 126 services, including 225 customers. The leakage surveys did not reveal any significant system impacts from the overpressurization. It appears that the existing service regulators were all rated for ■ psig.

B. Failure to Access Current Procedure

During the investigation, the Division asked the M&R technician to provide a copy of applicable procedures for scheduled work to be performed. The M&R technician provided procedure GS 1750.010 (MA), with an effective date of 01/17/2019. Upon further review and examination, the Division found that the most recent version of GS 1750.010 (MA) had an effective date of 04/12/2019. The M&R technician was unable to produce the correct version of the procedure in the field when requested by the inspector.

C. Failure to follow Company Procedures

The 04/12/2019 version of procedure GS 1750.010 (MA) states as follows: “Anytime field personnel are performing work on SCADA monitored/controlled equipment, Gas Control shall be notified by calling 1-800-921-2165.” Information obtained during the investigation showed that the M&R technician had failed to notify Gas Control as required by GS 1750.010(MA).

In addition, the M&R technician informed the Division that he should have performed a point-to-point (“P2P”) verification during the maintenance task being performed. The applicable procedure is GS 1170.040, which states as follows:

Gas Control personnel and Company field personnel shall conduct a P2P verification between SCADA displays and related field equipment when field equipment is added or moved and when other changes that affect pipeline safety are made to field equipment or SCADA displays. The minimum requirement is to verify all safety-related points (SRP) in the SCADA system. Other points may require a P2P at Gas Control’s discretion.

It appears that the technician failed to perform the required point-to-point verification prior to the overpressurization.

D. Company Response

In response to the Exit Letter, the Company stated that it did not contest the allegations. The Company also provided additional information regarding the incident, including a list of action items to be completed to prevent a similar incident from occurring in the future, and stated that it would be implementing additional requirements around regulator set points in 2020 to further reduce the chances of over-pressurization.

II. ALLEGATIONS

Based on the investigation, the Division has reason to believe that Respondent's actions and failure to follow its procedures may be in violation of certain sections of federal pipeline safety regulations, Part 192. The alleged violations of Part 192 are as follows:

1. 49 C.F.R. § 192.13(c) – General requirements.

Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this part.

2. 49 C.F.R. § 192.195(a) - Protection against accidental overpressuring.

*General requirements.* Except as provided in §192.197, each pipeline that is connected to a gas source so that the maximum allowable operating pressure could be exceeded as the result of pressure control failure or of some other type of failure, must have pressure relieving or pressure limiting devices that meet the requirements of §192.199 and §192.201.

3. 49 C.F.R. § 192.195(b) - Protection against accidental overpressuring.

Additional requirements for distribution systems. Each distribution system that is supplied from a source of gas that is at a higher pressure than the maximum allowable operating pressure for the system must:

- (1) Have pressure regulation devices capable of meeting the pressure, load, and other service conditions that will be experienced in normal operation of the system, and that could be activated in the event of failure of some portion of the system; and

(2) Be designed so as to prevent accidental overpressuring.

4. 49 C.F.R. § 192.201 - Required capacity of pressure relieving and limiting stations.

(a) Each pressure relief station or pressure limiting station or group of those stations installed to protect a pipeline must have enough capacity, and must be set to operate, to insure the following:

(2) In pipelines other than a low pressure distribution system:

(i) If the maximum allowable operating pressure is 60 p.s.i. (414 kPa) gage or more, the pressure may not exceed the maximum allowable operating pressure plus 10 percent, or the pressure that produces a hoop stress of 75 percent of SMYS, whichever is lower;

(b) When more than one pressure regulating or compressor station feeds into a pipeline, relief valves or other protective devices must be installed at each station to ensure that the complete failure of the largest capacity regulator or compressor, or any single run of lesser capacity regulators or compressors in that station, will not impose pressures on any part of the pipeline or distribution system in excess of those for which it was designed, or against which it was protected, whichever is lower.

5. 49 C.F.R. § 192.603(a) – General Provisions.

No person may operate a segment of pipeline unless it is operated in accordance with this subpart.

6. 49 C.F.R. § 192.605(a) - Procedural Manual for operations, maintenance, and emergencies.

*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.

7. Part 192, § 192.621(a) - Maximum allowable operating pressure: High-pressure distribution systems.

No person may operate a segment of a high pressure distribution system at a pressure that exceeds the lowest of the following pressures, as applicable:

- (1) The design pressure of the weakest element in the segment, determined in accordance with subparts C and D of this part.
- (2) 60 p.s.i. (414 kPa) gage, for a segment of a distribution system otherwise designed to operate at over 60 p.s.i. (414 kPa) gage, unless the service lines in the segment are equipped with service regulators or other pressure limiting devices in series that meet the requirements of § 192.197(c).
- (3) 25 p.s.i. (172 kPa) gage in segments of cast iron pipe in which there are unreinforced bell and spigot joints.
- (4) The pressure limits to which a joint could be subjected without the possibility of its parting.
- (5) The pressure determined by the operator to be the maximum safe pressure after considering the history of the segment, particularly known corrosion and the actual operating pressures.

8. 49 C.F.R. § 192.805 - Qualification Program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (h) After December 16, 2004, provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities.

III. PRIOR CONSENT ORDER VIOLATIONS

The Company has signed the following Consent Orders that pertain to similar violations of Part 192, §§ 192.13(c); 192.195(b)(2); 192.201(a)(2)(i); 192.605(a); and 192.805(h):

D.P.U. 19-PL-25; D.P.U. 18-PL-03; D.P.U. 16-PL-02.

IV. PROPOSED CIVIL PENALTY

Under G.L. c. 164, § 105A, Columbia Gas is subject to a civil penalty not to exceed \$200,000 for each violation for each day that the violation exists, up to a maximum of \$2,000,000 for any related series of violations.

In determining the amount of the civil penalty, the Division shall consider the following, pursuant to G.L. c. 164, § 105A: the appropriateness of the penalty to the size of the business of the person, firm, or corporation charged; the gravity of the violation; and the good faith of the person, firm, or corporation charged in attempting to achieve compliance, after notification of a violation.

In the present matter, the Division has reviewed the circumstances of the allegations and is prepared to resolve this matter upon Columbia Gas's agreement to the terms in the attached Consent Order and payment of a civil penalty in the amount of \$300,000.

V. RESPONSE TO THIS NOPV

Within 30 days of receipt of this NOPV, Columbia Gas shall respond to the Division in one of the following ways, pursuant to 220 CMR 69.04:

1. Sign and return the attached Consent Order, thus agreeing to remit payment of the civil penalty by check or money order made payable to the Commonwealth of Massachusetts;
2. Submit an offer in compromise of the proposed civil penalty under 220 CMR 69.04(2);
3. Request an informal conference under 220 CMR 69.05; or
4. Submit a written reply to the Division disputing the allegation(s) contained in the NOPV. The reply must include a complete statement of all relevant facts and authority and full description of the reasons why the Respondent disputes the allegation(s) contained in the NOPV.

Failure to respond within 30 days of receipt of this NOPV will be deemed an admission to the allegations contained herein and a waiver of Columbia Gas's right to contest the allegations. If Columbia Gas fails to respond within 30 days, the Department may, without further notice, find the facts to be as alleged herein and issue a final Order, pursuant to 220 CMR 69.04(3).

Very truly yours,

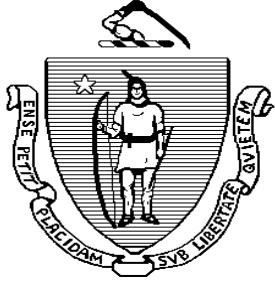
/s/

Richard Enright, Director  
Pipeline Safety Division

Enclosures: Consent Order  
Compliance Agreement

Cc: Katherine Silver, Columbia Gas  
Meggan Birmingham, Columbia Gas  
Shaella Collins, Columbia Gas  
Michael Conkey, Assistant Director, Pipeline Safety Division  
Laurie Ellen Weisman, Division Counsel, Pipeline Safety Division





# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### CONSENT ORDER

April 14, 2020

D.P.U. 19-PL-05

In the matter of Bay State Gas Company d/b/a Columbia Gas of Massachusetts

#### **I. JURISDICTION**

1. This document, with the attached Compliance Agreement, is a Consent Order entered into between the Pipeline Safety Division (“Division”) of the Department of Public Utilities (“Department”) and Bay State Gas Company d/b/a Columbia Gas of Massachusetts (“Respondent”), and is executed in accordance with 220 CMR 69.08.
2. The Division has authority to enter into this Consent Order on behalf of the Department pursuant to Delegation Order, D.P.U. 18-44-A (2017).
3. Failure to comply with the terms of this Order may result in the assessment of civil penalties and referral of this matter to the Attorney General for appropriate action.
4. The terms and conditions of this Order become effective upon signing by the authorized representatives of the Respondent and the Department.
5. Respondent has stipulated and consented to the issuance of this Consent Order.

#### **II. VIOLATIONS AND CIVIL PENALTY**

1. Pursuant to G.L. c. 164, §§ 76 and 105A, and 220 CMR 69.02, the Division conducted a pipeline safety inspection of the Respondent’s facilities and records. As a result of the inspection, the Director of the Division issued to the Respondent a Notice of Probable Violation (“NOPV”), D.P.U. 19-PL-05, dated April 14, 2020, in accordance with 220 CMR 69.03. The NOPV is attached hereto and made a part hereof.
2. Based on information contained in the NOPV, the Division finds that the Respondent violated pipeline safety regulations contained in 49 C.F.R. Part 192, specifically:

**Part 192, § 192.13(c) - What general requirements apply to pipelines regulated under this part?**

**Part 192, § 192.195(a) - Protection against accidental overpressuring.**

**Part 192, § 192.195(b)(1) - Protection against accidental overpressuring.**

**Part 192, § 192.195(b)(2) - Protection against accidental overpressuring.**

**Part 192, § 192.201(a)(2)(i) - Required capacity of pressure relieving and limiting station.**

**Part 192, § 192.201(b) - Required capacity of pressure relieving and limiting stations.**

**Part 192, § 192.603(a) – General Provisions.**

**Part 192, § 192.605(a) - Procedural manual for operations, maintenance, and emergencies.**

**Part 192, § 192.621(a) - Maximum allowable operating pressure: High-pressure distribution systems.**

**Part 192, § 192.805(h) - Qualification program.**

3. Pursuant to G.L. c. 164, § 105A, the Division hereby imposes upon the Respondent a civil penalty in the amount of \$300,000 for the above-noted violations.
4. The Respondent hereby agrees, upon signing and returning this Consent Order to the Division, to remit payment of the civil penalty by check or money order in the amount of \$300,000 made payable to the Commonwealth of Massachusetts, One South Station, Boston, MA 02110.

### **III. RESPONDENT REQUIREMENTS**

1. **Respondent shall sign the Stipulation below and return this complete document to the Division.**
2. All submissions by Respondent in accordance with this Consent Order shall be addressed to:

Director  
Pipeline Safety Division  
Department of Public Utilities  
One South Station  
Boston, MA 02110

### **IV. STIPULATED TERMS**

Pursuant to 220 CMR 69.08(1), the Respondent through the signature below, by the person to whom this Consent Order is issued or a duly authorized representative, acknowledges agreement to the terms contained herein without admitting or denying that a violation of any Department or federal pipeline safety law or regulation occurred in relation to the above-noted matters. Further, Respondent agrees to issuance of this Consent Order and stipulates to the following:

1. Respondent, by signing the Stipulation, hereby waives:
  - (a) All rights to informal review pursuant to 220 CMR 69.05;
  - (b) All rights to a hearing pursuant to 220 CMR 69.06;
  - (c) Any and all procedural rights available in connection with the issuance of the Consent Order;
  - (d) All rights to seek any type of administrative or judicial review of the Consent Order;  
and
  - (e) Any and all rights to challenge or contest the validity of the Consent Order.

- 2. Respondent expressly acknowledges that neither Respondent nor the Division has any intention to enter into a contract.
- 3. The terms and provisions of this Consent Order and Stipulation shall be binding upon, and inure to the benefit of, Respondent and the Division and their successors in interest.
- 4. Nothing in these Stipulated Terms shall preclude any proceedings brought by the Department to enforce the terms of the Consent Order, and nothing in these Stipulated Terms constitute, nor shall Respondent contend that they constitute, a waiver of any right, power, or authority of any other representative of the Commonwealth or an agency thereof to bring other actions deemed appropriate.

**V. FINAL ORDER**

- 1. This Consent Order and Stipulation is intended to be, and shall be construed to be, a final order of the Department issued pursuant to G.L. c. 25, § 5, having the force and effect of a remedial order, pursuant to 220 CMR 69.07(2), and expressly does not form, and may not be considered to form, a contract binding on the Division, the Department, or the Commonwealth of Massachusetts.
- 2. The terms of this Consent Order and Stipulation, including this paragraph, are not subject to amendment or modification by any extraneous expression, prior agreement, or prior arrangements between the Division and the Respondent, whether oral or written.

By Order of the Division

\_\_\_\_\_ Date: \_\_\_\_\_  
 Richard Enright, Director  
 Pipeline Safety Division  
 Department of Public Utilities

**The undersigned, duly authorized, stipulates to and acknowledges agreement to the terms herein.**

**BAY STATE GAS COMPNAY d/b/a Columbia Gas of Massachusetts**

\_\_\_\_\_ Date: \_\_\_\_\_  
 Mark Kempic  
 President and Chief Operating Officer

## COMPLIANCE AGREEMENT

### BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES AND BAY STATE GAS COMPANY D/B/A COLUMBIA GAS OF MASSACHUSETTS

D.P.U. 19-PL-05

Bay State Gas Company d/b/a Columbia Gas of Massachusetts (“Columbia Gas”) agrees to take the following actions within the specified time periods:

1. Within 30 days of the effective date of this Order, Columbia Gas shall pay a civil penalty of \$300,000 to the Commonwealth of Massachusetts.
2. Within 30 days of the effective date of this Order, Columbia Gas shall provide an incident report highlighting and addressing key failures.
3. Within 60 days of the effective date of this Order, Columbia Gas shall provide documentation to the Department to show that it has completed all action items developed, based on key failures addressed in the incident report.
4. Within 90 days of the effective date of this Order, Columbia Gas shall provide training to appropriate management and field personnel regarding the incident review and perform an evaluation of Meter & Regulator personnel qualifications to ensure that all field crews are properly qualified to perform covered.
5. Within 120 days of the effective date of this Order, Columbia Gas shall provide documentation to the Department to show that it has completed the training required by Item 4.
6. Within 90 days of the effective date of this Order, Columbia Gas shall create, for each regulator station, site-specific maintenance procedures for each task to be performed.
7. Within 120 days of the effective date of this Order, Columbia Gas shall provide training to appropriate management and field personnel on the use of the newly developed site-specific maintenance procedures for each regulator station.
8. Within 130 days of the effective date of this Order, Columbia Gas shall provide documentation to the Department to show that it has complied with Items 6 and 7.
9. Within 90 days of the effective date of this Order, Columbia Gas shall requalify the Meter & Regulator technician involved in the incident on the following covered tasks:
  - a. CT38A – Starting Up or Shutting Down Any Part of a Pipeline that Could Cause the MAOP to be Exceeded;
  - b. CT59 & CT60 – Controlling and Monitoring Gas Pressures and Flows;
  - c. CT61 – Inspecting a Pressure Recording Gauge;

- d. CT62A, CT63A, & CT65A – Inspect and Test Pressure Regulation Station, Including Heating Equipment;
  - e. CT64 – Inspecting Telemetering Equipment at a Pressure Limiting or Regulating Station;
  - f. CT66A – Field Interpretation of Pressure Recording Charts and Electronic Devices;
  - g. CT67 – Inspecting a Pressure Regulating Vault; and
  - h. CT72A – Installing and Turning Off Residential, Small Commercial, Large Commercial and Industrial Meters and Regulators.
10. Within 100 days of the effective date of this Order, Columbia Gas shall provide documentation to the Department to show that it has complied with Item 9.