



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

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

July 29, 2020

D.P.U. 20-PL-09

Mark Prewitt  
Vice President, Pipeline Safety & Compliance  
National Grid  
40 Sylvan Road  
Waltham, MA 02451

Re: D.P.U. 20-PL-09, National Grid Training and Operator Qualification Testing

Dear Mr. Prewitt:

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

In early 2019, the Division inspected National Grid’s Training and Operator Qualification Testing Program, pursuant to G.L. c.164, §§ 76 and 105A, and 220 CMR 69.02. On June 28, 2019 the Division conducted a follow-up inspection. Based on these inspections, the Division issued an Exit Letter on February 26, 2020, to which National Grid responded with further

information on March 27, 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

During its investigation the Division found the following areas of concern:

- 1. Pipe Joining Procedure:** The 2011 Pipe Joining Procedure chart posted on the wall in the testing facility was not the current procedure (12/15/18).

*Response: The Company acknowledged that the current procedure is from 2018, but that the pipe joining chart has remained unchanged since 2011.*

The Division finds that National Grid failed to update the procedure chart to reflect the current NGA procedure.

- 2. Testing Sign-in Procedures:** National Grid requires employees to sign in or scan their IDs (new process) before taking tests. During the operator qualification testing, two employees entered the testing facility and began to take the test without signing in or having their ID’s scanned. The Division inspector brought this to the attention of the National Grid instructor who had missed these two employees during the sign-in process.

*Response: National Grid explained its new process but did not dispute the allegation.*

The Division finds that National Grid failed to follow its testing sign-in procedures. The Division further understands that National Grid is no longer testing its own employees. As of August 5, 2019, National Grid transitioned to Industrial Training Services (ITS) and Prometric Testing in New England for training and testing services.

- 3. Testing:** Three employees were given tests that they were not supposed to take during the testing session.

*Response: The Company acknowledges that the employees were given incorrect tests and has corrected this. Currently, employees are not able to take any tests which are not pre-reviewed and approved.*

The Division finds that National Grid failed to follow its testing procedures.

- 4. Testing Sign-out Procedures:** At the completion of the OQ testing, each employee is supposed to sign the OQ test form that shows which tests were taken. There was one employee who left the testing room without signing the OQ testing form.

*Response: The Company acknowledges the employee did not sign the OQ testing form.*

The Division finds that National Grid failed to follow its testing sign-out procedures.

- 5. New Pipe Peeler Tool:** During the testing, an employee asked the instructor for help in using a new pipe peeler. This is a new tool introduced to the National Grid employees to remove the surface of the pipe prior to electrofusing the pipe. The employee had not received the proper training prior to testing.

*Response: National Grid did not dispute this allegation but explained that the new peelers were in the process of being introduced in the field at the time of the inspection. Since then, the field employees have become familiar with the proper use of these new peelers, and Learning and Development (“L&D”) is also providing reviews on the peeler during Annual Expert Training and has included the training and demonstration of the peeler in Phase 3 of Gas Field Operations Progression School.*

The Division finds that National Grid failed to train its employee on the use of the new peeler prior to testing.

- 6. Pyrometer:** The infrared pyrometer used by employees for the hydraulic butt fusion testing had an expired calibration with a date of 12/31/18.

*Response: The Company acknowledges that the pyrometer had an expired calibration date. The Company took corrective action and purchased new pyrometers, as well as calibrated all existing pyrometers immediately. Calibrations were performed again in January 2020. L&D has implemented a tracking mechanism for all tools needing calibration.*

The Division finds that National Grid failed to follow its equipment calibration procedures.

- 7. Multiple Employees at Test Station:** There were two employees at the hydraulic butt fusion station having a conversation during testing. This was brought to the tester's attention. The employees were asked to go to different test stations. In addition, during the butt fusion testing, employees were not checking both sides of the heating iron to ensure that the iron was at the proper temperature.

*Response: The Company acknowledged that there were multiple employees at the hydraulic butt fusion station, including while employees were checking the heating iron. It is the Company's policy that hydraulic butt fusion testing is 1:1. Testers and employees have been reminded of the importance of maintaining 1:1 testing.*

The Division finds that National Grid failed to follow its policy.

- 8. Torque Wrench:** The tester did not have the calibration information available for the torque wrenches being used for testing.

*Response: The Company acknowledged that the calibration sticker was not on the torque wrench. The Company will ensure that the calibration sticker is on the torque wrench going forward.*

The Division finds that National Grid failed to follow its procedures.

- 9. 502 Service Head Adapter:** National Grid had two different installation procedures. The one on the wall was dated February 2009, and the laminated procedure on the workstation table was dated October 2009.

*Response: The Company acknowledged that there were different procedures on the wall and on the workstation. The procedure on the wall was immediately removed. The Company also noted that employees are taught that the [manufacturer's instructions] are the instructions to follow.*

The Division finds that National Grid failed to provide consistent procedures.

- 10. Plastic Mechanical Tee Testing:** This qualification requires the employee to assemble the tee and add air to the fitting to ensure that it has a gas-tight fit. After adding the air and seeing no pressure drop, the tester will then tell the employee to

release the air. In this case, the tester did not perform a visual inspection of the fitting installation or air test.

***Response:** The Company acknowledged that the tester did not perform a visual inspection because 1:1 is not a requirement.*

The Division finds that National Grid failed to verify during testing that the employee performed the mechanical tee testing in accordance with company procedures.

**11. Bead Ruler:** National Grid uses a plastic pipe butt fusion bead-width ruler during training classes and in the field to determine compliance with procedures. The Division had previously expressed concerns about using this tool because it may not provide an accurate analysis of whether the fusion has a uniform bead and meets all of the pipe joining requirements.

***Response:** The Company immediately removed the bead-width rulers from the training facility.*

The Division finds that National Grid continued to use an inaccurate tool after the Division had expressed its concerns.

## II. ALLEGATIONS

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

1. Part 192, § 192.805 - Qualification program.

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

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

(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

National Grid has signed the following Consent Orders that pertain to similar violations of Part 192, § 192.805(b) and (h): D.P.U. 12-PL-15; D.P.U. 12-PL-16; D.P.U. 12-PL-17; D.P.U. 12-PL-19.

IV. PROPOSED CIVIL PENALTY

Under G.L. c. 164, § 105A, National Grid 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 National Grid's agreement to the terms in the attached Consent Order and payment of a civil penalty in the amount of \$75,000.

V. RESPONSE TO THIS NOPV

Within 30 days of receipt of this NOPV, National Grid 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 National Grid's right to contest the allegations. If National Grid 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).

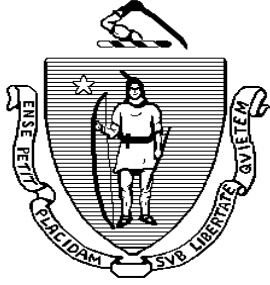
Very truly yours,

/s/

Richard Enright, Director  
Pipeline Safety Division

Enclosures: Consent Order  
Compliance Agreement

Cc: Alexander Day, National Grid  
Thomas Kubilis, National Grid  
Michael Conkey, Assistant Director, Pipeline Safety Division  
Angela Motley, Public Utilities Engineer, Pipeline Safety Division  
Janine D'Amico Vargas, Assistant General Counsel, Pipeline Safety Division  
Laurie Ellen Weisman, Division Counsel, Pipeline Safety Division



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### CONSENT ORDER

July 29, 2020

D.P.U. 20-PL-09

In the matter of Boston Gas Company d/b/a National Grid

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#### **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 Boston Gas Company d/b/a National Grid (“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. 20-PL-09, dated July 29, 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, § 192.805(b) - Qualification program.**  
**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 \$75,000 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 \$75,000 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.**

**BOSTON GAS COMPANY D/B/A NATIONAL GRID**

\_\_\_\_\_ Date: \_\_\_\_\_  
Mark Prewitt  
Vice President, Pipeline Safety & Compliance

COMPLIANCE AGREEMENT  
BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES  
AND BOSTON GAS COMPANY D/B/A NATIONAL GRID

D.P.U. 20-PL-09

Boston Gas Company d/b/a National Grid (“National Grid”) agrees to take the following actions within the specified time periods:

1. Within 30 days of the effective date of this Order, National Grid shall pay a civil penalty of \$75,000 to the Commonwealth of Massachusetts.
2. Within 10 days of the effective date of this Order, National Grid shall ensure that Learning and Development (“L&D”) is providing reviews on pipe peelers during Annual Expert Training (AET) and Phase 3 of Gas Field Operations Progression School.
3. Within 30 days of the effective date of this Order, National Grid shall provide documentation demonstrating that it has completed Item 2.
4. Within 30 days of the effective date of this Order, National Grid shall ensure that L&D has implemented a tracking mechanism for the calibration of its pyrometers.
5. Within 40 days of the effective date of this Order, National Grid shall provide documentation demonstrating that it has completed Item 4.
6. Within 45 days of the effective date of this Order, National Grid shall review equipment calibration requirements with testing personnel.
7. Within 50 days of the effective date of this Order, National Grid shall provide documentation demonstrating that it has completed Item 6.
8. Within 60 days of the effective date of this Order, National Grid shall develop testing protocols that include span of control and review them with testing personnel and employees prior to testing.
9. Within 65 days of the effective date of this Order, National Grid shall provide documentation demonstrating that it has completed Item 8.
10. Within 20 days of the effective date of this Order, National Grid shall ensure that torque wrenches used during testing are calibrated and labeled with the calibration date and serial number, and shall ensure that associated calibration documentation is readily available during testing.
11. Within 30 days of the effective date of this Order, National Grid shall provide documentation demonstrating that it has completed Item 10.
12. Within 10 days of the effective date of this Order, National Grid shall ensure that procedures displayed in the testing facility to be used by employees are the latest versions of the procedures.

13. Within 30 days of the effective date of this Order, National Grid shall provide documentation demonstrating that it has completed Item 12.
14. Within 30 days of the effective date of this Order, National Grid shall ensure that L&D training documents reinforce the requirement to test the heating tool face which includes both sides of the heating iron.
15. Within 40 days of the effective date of this Order, National Grid shall provide documentation demonstrating that it has completed Item 14.
16. Within 10 days of the effective date of this Order, National Grid shall ensure that pipe joining testing protocols require the instructor/tester to verify visually that the employee has met the pipe joining test requirements.
17. Within 30 days of the effective date of this Order, National Grid shall provide documentation demonstrating that it has completed Item 16.