

May 7, 2020

Director Robert Burrough
PHMSA Eastern Region
840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628

RE: CPF 1-2020-1012W

Dear Mr. Robert Burrough,

This letter is in response to the April 14, 2020 Warning Letter (CPF 1-2020-1012W) sent to Equitrans Midstream Corporation by the Pipeline and Hazardous Materials Safety Administration (PHMSA) for the Mountain Valley Pipeline Project (MVP).

As noted in the Warning Letter, a representative of PHMSA inspected portions of MVP on August 6-8, 2019 in Webster and Braxton Counties, West Virginia. As a result of the inspection, PHMSA has alleged that MVP committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. Specifically, EQT¹ failed to construct MVP in accordance with its comprehensive written specifications or standards consistent with Part 192. Specifically, EQT failed to follow its 10.2 Pipeline Construction Standard, Revision 4 - 1/22/19 (10.2 Standard) requirements pertaining to § 192.319. The Warning Letter also stated that “[b]ecause the MVP was not being installed in accordance with EQT’s 10.2 Standard, and in a manner that minimizes stresses and protects the pipe and pipe coating at certain locations, EQT failed to comply with § 192.303.”

Mountain Valley Pipeline, LLC (Mountain Valley) respectfully requests that PHMSA withdraw this Warning Letter. The evidence and facts included in the record does not support a probable violation of 49 C.F.R. § 192.303. The pipeline was installed and constructed in compliance with Mountain Valley’s Design and Construction Standards in a manner that minimizes stresses and protects the pipe and pipe coating. Mountain Valley has provided the following Timeline of Events for reference purposes, followed by Mountain Valley’s Response to PHMSA Comments from the April 14, 2020 Warning Letter.

Timeline of Events

August 6, 2019 to August 8, 2019

- PHMSA inspected locations on MVP Spread C in Webster and Braxton Counties, West Virginia;

¹ Please note that the letter addresses Equitrans Midstream Corporation as “EQT”

- The inspector expressed concern with the open ditch at Mudlick Run Road. The ditch was open and awaiting tie-in;
- After a conversation with MVP representatives on sight, the PHMSA inspector verbally conveyed that he was satisfied with the explanation and requested that evidence of remediation be provided after the tie-in was complete; and
- Over the remainder of the inspection, the PHMSA inspector did not express any additional concerns regarding bedding and backfilling.

December 5, 2019

- Mountain Valley received a follow up request for information (RFI) related to procedure clarification.

January 17, 2020

- Mountain Valley provided a response to PHMSA's RFI.

April 13, 2020

- Mountain Valley submitted a draft of procedure language Improvements to PHMSA for review.

April 14, 2020

- PHMSA sent Warning Letter CPF 1-2020-1012W to Equitrans Midstream Corporation.

Mountain Valley's Response to PHMSA Allegations

PHMSA Comment No. 1: *At Mudlick Run Road, 42-inch diameter pipe was noted to have been placed within a rock laden trench without adequate support padding and/or backfill material to protect the pipe coating from damage due to protruding rocks and spoils within the trench.*

MVP Response: No. 1: At the time of the PHMSA inspection, the impending tie-in work was scheduled to be completed in the upcoming weeks. The open ditch should not have been inspected as if it were complete and ready for final inspection. While the ditch remained open, heavy rains loosened the soil between the rocks and was washed away. The pipe remained supported by sacks within required spacing and was properly wrapped in rock shield to maintain temporary protection. Mountain Valley attests that inspection personnel must have ample opportunity to inspect pipe while resting in the ditch to make corrections as necessary during the construction process. It would be reasonable to expect that the PHMSA inspector waited until construction inspectors deemed the ditch ready for padding and backfill prior to assessing the ditch prematurely. Pipe at this location was protected and would have been re-jeeped and repaired per MVP standards, if necessary, after tie-in of the approaching pipeline.

PHMSA Comment No. 2: *At Camp Creek Road, the PHMSA inspector observed 42-inch diameter pipe being placed within a rock laden trench inconsistent with EQT's construction standard requirements.*

MVP Response: No. 2: Mountain Valley would attest that the construction process must be allowed to progress, and craft inspection personnel must have the opportunity to inspect pipe in the ditch at the appropriate time. Per MVP standards and practices, it would have been appropriate for the PHMSA inspector to wait until MVP construction inspectors deemed the ditch ready for padding, backfill and final inspection.

PHMSA Comment No. 3: *“...preparation of trench, padding height and clear spacing requirements between rock and pipe wall were inconsistent with the required minimum stipulated in EQT’s 10.2 Standard, Sections 9.1, 14.1, 14.2 and 15.3” and “Observations indicated that pipe installed at this location may be susceptible to stresses and/or damage that may incur as a result of movement or settlement that is typical during required post installation hydrostatic testing.”*

MVP Response: No. 3: Mountain Valley attests that these alleged discrepancies in height and spacing were not supported by physical measurements nor are the assumptions regarding susceptibility to stress due to possible pipe movement supported by evidence or engineering analysis.

Furthermore, Mountain Valley is confident that the items identified in the Warning Letter are in compliance with 49 CFR § 192.303. This pipeline was installed and constructed in compliance with our design and construction standards in a manner that minimizes stresses and protects the pipe and pipe coating. As part of MVP’s installation processes, once the pipeline is constructed and inspected to Mountain Valley’s written specifications, the pipeline undergoes further scrutiny to ensure its integrity prior to operation.

Prior to placing the line into service, Mountain Valley performs coating survey testing as an additional measure to ensure the integrity of the pipeline coating. If the survey reveals specific indication of coating damage, Mountain Valley will excavate the pipeline and repair the coating. In addition, Mountain Valley will conduct geometric pigging to ensure the pipeline meets acceptable geometry requirements. If the pigging tool reveals indications of dents or irregular ovality issues, Mountain Valley will excavate the pipeline and determine if the feature requires further remedial action. Through numerous proactive integrity and pipeline safety activities, Mountain Valley assures the safe operation of its pipeline system.

Although PHMSA Eastern Region has noted that it does not intend to conduct additional enforcement action or penalty assessment proceedings, Mountain Valley respectfully requests that PHMSA withdraw this warning letter since the facts do not support a probable violation. Additionally, allegations of inconsistent practices with respect to dimensional requirements must be accompanied by physical evidence.

Thank you for your time and attention to this matter. Please feel free to contact me at (412) 395-2971 or GWest@equitransmidstream.com if you have any questions or need addition information.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Gregg West', with a stylized, cursive script.

Gregg West

VP, Environmental Safety & Compliance



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628
609.771.7800

WARNING LETTER

OVERNIGHT EXPRESS DELIVERY

April 14, 2020

Gregg West
Vice President, Midstream Operations
Equitrans Midstream Corporation
2200 Energy Drive
Canonsburg, PA 15317

CPF 1-2020-1012W

Dear Mr. West:

On August 6-8, 2019, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Equitrans Midstream Corporation's (EQT) Mountain Valley Pipeline project in Webster and Braxton Counties, West Virginia.

As a result of the inspection, it is alleged that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item(s) inspected and the probable violation(s) are:

1. § 192.303 Compliance with specifications or standards.

Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

EQT failed to construct the Mountain Valley Pipeline (MVP) in accordance with its comprehensive written specifications or standards consistent with Part 192. Specifically, EQT failed to follow its *10.2 Pipeline Construction Standard*, Revision 4 – 1/22/19 (10.2 Standard) requirements pertaining to § 192.319.

Section 192.319(a) and (b) state:

- (a) When installed in a ditch, each transmission line that is to be operated at a pressure producing a hoop stress of 20 percent or more of SMYS must be installed so that the pipe fits the ditch so as to minimize stresses and protect the pipe coating from damage.
- (b) When a ditch for a transmission line or main is backfilled, it must be backfilled in a manner that:
 - (1) Provides firm support under the pipe; and
 - (2) Prevents damage to the pipe and pipe coating from equipment or from the backfill material.

EQT's 10.2 Standard includes requirements that pertain to § 192.319 and specifically requires that the trench be wide enough and free from rock, gravel, and other objects that might damage the pipe or the pipe's coating. Notably, repeated references to trenching, quality of backfill material, support, damage prevention and spacing requirements are made in sections 9.1 - *[Trenching] General*, 14.1 - *Preparation for Lowering*, 14.2 - *Rocky Trench Bottom*, and 15.3 - *Padding*.

During the field inspection of MVP Spread C on August 6-8, 2019, the PHMSA inspector noted the placement of pipe within ditches off Mudlick Run Road and Camp Creek Road was not performed in a manner consistent with EQT's procedures prescribed by § 192.303.

At Mudlick Run Road, 42-inch diameter pipe was noted to have been placed within a rock laden trench without adequate support padding and/or backfill material to protect the pipe coating from damage due to protruding rocks and spoils within the trench. Observations indicated that pipe installed at this location may be susceptible to stresses and/or damage that may incur as a result of movement or settlement that is typical during required post installation hydrostatic testing. Specifically, preparation of trench, padding height and clear spacing requirements between rock and pipe wall were inconsistent with the required minimum stipulated in EQT's 10.2 Standard, Sections 9.1, 14.1, 14.2 and 15.3. EQT's response to an inquiry by the inspector noted that the installation was a proposed tie-in location which was incomplete at the time of inspection. The location was subsequently remediated with supporting evidence provided at the request of the PHMSA inspector.

At Camp Creek Road, the PHMSA inspector observed 42-inch diameter pipe being placed within a rock laden trench inconsistent with EQT's construction standard requirements. Specifically, clear spacing requirements between pipe and rock wall, rock and/or rock fragments were inconsistent with the required minimum stipulated in EQT's 10.2 Standard, Sections 9.1, 14.1, 14.2 and 15.3. Observations indicated that pipe installed at this location may be susceptible to stresses and/or damage that may incur as a result of movement or settlement that is typical during required post installation hydrostatic testing.

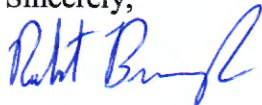
Because the MVP was not being installed in accordance with EQT's 10.2 Standard, and in a manner that minimizes stresses and protects the pipe and pipe coating at certain locations, EQT failed to comply with § 192.303.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022. For violations occurring prior to November 2, 2015, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$2,000,000 for a related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the item(s) identified in this letter. Failure to do so will result in Equitrans Midstream Corporation being subject to additional enforcement action.

Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

No reply to this letter is required. If you choose to reply, please submit all correspondence in this matter to Robert Burrough, Director, PHMSA Eastern Region, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. Please refer to **CPF 1-2020-1012W** on each document you submit, and whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to robert.burrough@dot.gov. Larger files should be sent on USB flash drive accompanied by the original paper copy to the Eastern Region Office.

Sincerely,



Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

From: [Harrigan, Kimberly CTR \(PHMSA\)](#)
To: JButler@equitransmidstream.com
Cc: [Burrough, Robert \(PHMSA\)](#)
Subject: Equitrans Midstream Corporation, CPF 1-2020-1012W
Date: Tuesday, April 14, 2020 3:31:00 PM
Attachments: [120201012W Warning Letter 04142020 \(162336\).pdf](#)

RE: CPF 1-2020-1012W

Mr. Butler,

Attached please find the Warning Letter issued to Equitrans Midstream Corporation with regard to the above-referenced matter. Please note, a hard copy has been sent via FedEx Standard Overnight to Mr. Gregg West. We are sending you this electronic copy as a courtesy in the event that the Equitrans Midstream Corporation office is closed due to COVID-19.

Thank you and have a nice day.

Kimberly Harrigan

Senior Administrative Assistant

Contractor - Unispec Enterprises, Inc.

U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration

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