



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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Sent via email

August 16, 2021

Brian Wood
Director Support Services
Nippon Dynawave Packaging Co., LLC
3401 Industrial Way
PO Box 188
Longview, WA 98632

RE: 2021 Natural Gas Public Awareness Inspection – Nippon Dynawave Packaging Co., LLC – (Insp. No. 8278)

Dear Mr. Wood:

Staff from the Washington Utilities and Transportation Commission (staff) conducted a Public Awareness Plan inspection of Nippon Dynawave Packaging Co., LLC (Nippon Dynawave) from July 21, 2021 to August 2, 2021. This inspection included a review of records and the public awareness plan.

Our inspection indicates two probable violations as noted in the enclosed report.

Your response needed

Please review the attached report and respond in writing by September 17, 2021. The response should include how and when you plan to bring the probable violations into full compliance.

What happens after you respond to this letter?

The attached report presents staff's decision on probable violations and does not constitute a finding of violation by the commission at this time.

After you respond in writing to this letter, there are several possible actions the commission, in its discretion, may take with respect to this matter. For example, the commission may:

- Issue an administrative penalty under [RCW 81.04.405](#); or
- Issue a complaint under [RCW 81.88.040](#), seeking monetary penalties, changes in the company's practices, or other relief authorized by law, and justified by the circumstances. Any pipeline company that violates any pipeline safety provision of any commission order, or any rule in this chapter including those rules adopted by reference, or chapter

81.88 RCW is subject to a civil penalty not to exceed \$218,647 for each violation for each day that the violation persists. The maximum civil penalty for a related series of violations is \$2,186,465; or

- Consider the matter resolved without further commission action.

We have not yet decided whether to pursue a penalty or complaint in this matter. Should the commission decide to assess a penalty or initiate a complaint, your company will have an opportunity to respond and formally present its position.

If you have any questions or if we may be of any assistance, please contact Derek Norwood at (360) 259-2525. Please refer to the subject matter described above in any future correspondence pertaining to this inspection.

Sincerely,

Sean C. Mayo
Pipeline Safety Director

Enclosure

cc: Greg Pyle, Counsel, Nippon
Lee Galbraith, Engineering Manager, Nippon
Nick Kaiser, Purchasing Manager, Nippon
Steve Cash, Engineering, Nippon

UTILITIES AND TRANSPORTATION COMMISSION
2021 Natural Gas Pipeline Safety Inspection
Nippon Dynawave Packaging Co., LLC

The following probable violations of Title 49 CFR Part 192 were noted as a result of the 2021 inspection of Nippon Dynawave Packaging Co., LLC. The inspection included a random selection of records, a review of the public awareness plan and field inspection of the pipeline facilities.

PROBABLE VIOLATIONS

1. **49 CFR §192.616(c) Public Awareness.**

The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

Finding(s):

Table 2-1 of API RP 1162 requires that Natural Gas Transmission Pipeline Operators deliver baseline messaging to emergency officials and excavators annually. Nippon Dynawave provided records to staff for 2018 and 2020 showing that baseline messaging had been delivered to these stakeholder groups but did not have records to show that baseline messaging had been delivered in 2017 and 2019.

2. **49 CFR §192.616(c) Public Awareness.**

The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

Finding(s):

Section 8.3 of API RP 1162 states that operators should complete an annual audit or review of whether the program has been developed and implemented according to the guidelines in this RP. Nippon Dynawave provided a record of their 2020 annual review, but annual review records were not available for 2018 and 2019.