

Violations relating to PG&E's Emergency Response.

Violations	Duration	Reference ¹
PU Code 451 – failure to create and follow adequate emergency plans	08/31/2009 – 09/09/2010	<u>Not applicable.</u>
49 CFR 192.615(a)(3) – failure to have a prompt and effective response due to inconsistent emergency plans	08/31/2009 – 09/09/2010	<u>CPSD-10, p. 76; CPSD-1, pp. 55-56, p. 114 (FN 221), p. 117.</u>
49 CFR 192.615(a)(8) – failure to create a mutual assistance agreement with local first responders	08/31/2009 – 09/09/2010	<u>CPSD-1, p. 114 (FN 221), pp. 117-118; CPSD-9, pp. 55-56; CPSD-10, p.76.</u> <u>CPSD propounded DR Legal Division 001-Q08 to obtain PG&E's Emergency Response Plan (ERP), which is hearing exhibit CPSD-297. Mutual Assistance Agreements are discussed on F-2.1 of PG&E's ERP.</u>
49 CFR 192.615(c)(4) – failure to plan how to engage in mutual assistance	08/31/2009 – 09/09/2010	<u>CPSD-1, p. 114 (FN 221), pp. 117-118; CPSD-9, pp. 55-56; CPSD-10, p.76.</u> <u>CPSD propounded DR Legal Division 001-Q08 to obtain PG&E's Emergency Response Plan (ERP), which is hearing exhibit CPSD-297. Mutual Assistance Agreements are discussed on</u>

¹ Pursuant to the ALJ's Ruling on April 2, 2013, CPSD hereby provides a reference to the factual bases in the OII or one or more of its referenced documents that provides PG&E with notice of the allegation listed in the first column. The ALJ's Ruling stated that it is not necessary for CPSD to re-file its entire opening brief. CPSD is only providing a reference sufficient to demonstrate that adequate notice was provided to PG&E – the reference is not meant to provide all factual bases that prove the violation.

		<u>F-2.1 of PG&E's ERP.</u>
49 CFR 192.615(a)(3) – failure to have a prompt and effective response due to a slow and uncoordinated response	09/09/2010	<u>CPSD-1, pp. 102-103, p. 114 (FN 221), pp. 117-118; CPSD-9, pp. 55-56, pp. 97-100.</u>
49 CFR 192.615(a)(1) – failure to adequately receive, identify and classify emergency notices	09/09/2010	<u>CPSD-1, pp. 115-116, 118; CPSD-9, pp. 55-56, pp. 98-102; CPSD-10, p. 75, p. 77.</u>
49 CFR 192.615(a)(4) – failure to provide for proper personnel and resources at the emergency scene	09/09/2010	<u>CPSD-1, pp. 120-122; CPSD-9, pp. 55-56, p. 99.</u>
49 CFR 192.615(a)(6) – failure to perform an emergency shutdown ² to adequately minimize hazards to life and property	09/09/2010	<u>CPSD-1, pp. 103, 117-118, 120-122; CPSD-9, pp. 99, 101-102</u>
49 CFR 192.615(a)(7) – failure to make safe any actual or potential hazards to life and property	09/09/2010	<u>CPSD-1, pp. 117-118, 120-122; CPSD-9, pp. 55-56, p. 99, pp. 101-102.</u>
49 CFR 192.615(a)(8) – failure to notify local first responders	09/09/2010	<u>CPSD-1, p. 114, p. 118; CPSD-9, pp. 55-56, pp. 100-101.</u>
49 CFR 192.605(c)(1) and (3) ³ – failure to have emergency manual that required the appropriate actions ⁴	08/31/2009 – 09/09/2010	<u>CPSD-1, pp. 117-118; CPSD-1, pp. 119-122; CPSD-9, pp. 55-56, pp. 99-100.</u>

² Appendix C was meant to be a summary of Appendix B, created pursuant to a request by ALJ Wetzell. The description of this violation insufficiently summarized Conclusion of Law #41 in Appendix B by omitting “perform an emergency shutdown”.

³ CPSD also cites PG&E for violating Part 192.605(c) for failing to establish adequate written procedures for maintenance and operations activities under abnormal conditions at the Milpitas Terminal. See CPSD Proposed Conclusion of Law #31.

⁴ This allegation is a summary of proposed Conclusion of Law #44, which states: PG&E violated 49 CFR Part 192.605(c)(1) and (3) by failing to have an emergency manual that properly directed its employees to respond to and correct the cause of Line 132's decrease in pressure, and its malfunction which resulted in hazards to persons and property, and notify the responsible personnel when notice of an abnormal operation is received.

49 CFR 192.615(a)(2) – failure to establish and maintain communications with local first responders	09/09/2010	<u>CPSD-1, pp. 118-119; CPSD-9, p. 100.</u>
49 CFR 192.615(a)(5) – failure to protect people first then property	09/09/2010	<u>CPSD-1, pp. 118-119; CPSD-9, p. 100.</u>
49 CFR 192.615(c)(4) – failure to establish and maintain a liaison with local first responders	08/31/2009 – 09/09/2010	<u>CPSD-1, pp. 118-119; CPSD-9, p. 100.</u>
49 CFR 192.615(a)(3) – failure to properly train personnel to recognize incidents	09/09/2010	<u>CPSD-1, pp. 102-103, p. 114, p. 123; CPSD-9, p. 21, pp. 98-99.</u>
49 CFR 192.615(b)(2) – failure to properly train personnel and ensure they are knowledgeable about procedures	09/09/2010	<u>CPSD-1, pp. 102-103, p. 114, p. 123; CPSD-9, p. 21, pp. 98-99.</u>
49 CFR 192.615(b)(3) – failure to determine if training is effective	09/09/2010	<u>CPSD-1, pp. 102-103, p. 114, p. 123; CPSD-9, p. 21, pp. 98-99.</u>
49 CFR 192.605(c)(4) – failure to periodically review its emergency response	09/09/2010	<u>CPSD-1, pp. 102-103, p. 114, p. 123; CPSD-9, p. 21, pp. 98-99.</u>
49 CFR 192.616(d) – failure to properly educate the public and local officials	09/09/2010	<u>CPSD-1, pp. 123-125; CPSD-9, pp. 57-59, p. 77, p. 115.</u>
49 CFR 199.225(a) – failure to perform alcohol tests in a timely manner and failure to record the reasons for lack of compliance	09/09/2010	<u>N/A.</u>
49 CFR 199.225(a) and 49 CFR 199.105(b) – failure to perform drug and alcohol tests Gas	09/09/2010	<u>N/A.</u>

Control staff		
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