



U.S. Department  
Of Transportation  
**Pipeline and  
Hazardous Materials  
Safety Administration**

820 Bear Tavern Road, Suite 103  
West Trenton, NJ 08628  
**609.989.2171**

## **WARNING LETTER**

### **EXPRESS OVERNIGHT MAIL**

November 29, 2010

Ms. Cathy Conlow  
City Manager  
Bangor City Hall  
73 Harlow Street  
Bangor, ME 04401

**CPF 120106001W**

Dear Ms. Conlow:

On August 30, 2010, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the City of Bangor's pipeline facility from their Storage Tank Farm to Bangor City Airport in Bangor, Maine.

After a review of your operations, it has been determined that the pipeline is jurisdictional to PHMSA because it traverses the public domain (approximately 2.7 miles) between the Tank Farm and the first control device just within airport property. Therefore, the City of Bangor's jurisdictional pipeline will be under the purview of PHMSA and it is required to comply with 49CFR§195 in its entirety, as well as any referenced requirements within 49CFR§195. For your information, the City of Bangor has been set up in the PHMSA database with an OPID (Operator Identification) of # 32520, and we plan to perform a thorough inspection of the jurisdictional facility in 2011.

As a result of this inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The following items inspected and the probable violation(s) are:

### **1. §195.402 Procedural manual for operations, maintenance, and emergencies.**

**(a) *General.* Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.**

At the time of the inspection, the City of Bangor did not have a procedural manual for operations, maintenance, and emergencies.

During the inspection, the City of Bangor was asked for and could not produce a procedural manual.

The City of Bangor must prepare a manual of written procedures for each pipeline system as prescribed in §195.402.

### **2. §195.505 Qualification program.**

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

The City of Bangor did not have an Operator Qualification (OQ) program.

During the inspection, the City of Bangor was asked for and could not produce an OQ program or a list of all task performed on the pipeline.

The City of Bangor must prepare a manual which prescribes the minimum requirements for operator qualification of individuals performing covered tasks on a pipeline facility in accordance to 49 CFR §195 Subpart G.

### **3. §195.452 Pipeline integrity management in high consequence areas.**

**(a) *Which pipelines are covered by this section?* This section applies to each hazardous liquid pipeline that could affect a high consequence area, including any pipeline located in a high consequence area unless the operator effectively demonstrates by risk assessment that the pipeline could not affect the area. (Appendix C of this part provides guidance on determining if a pipeline could affect a high consequence area.) Covered pipeline are categorized as follows:**

Pursuant to §195.452, an operator must determine the category the pipeline represents and prepare an integrity management program accordingly. At the time of the inspection, the City of Bangor did not have an integrity management program.

During the inspection, the City of Bangor was asked for and could not produce a written integrity management program.

The City of Bangor must develop a written integrity management program that complies with the requirements prescribed in §195.452.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any 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 the City of Bangor being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to CPF 120106001W. 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).

You are welcome to contact us for additional information about pipeline safety and regulatory compliance. 609-989-2171

Sincerely,

Byron Coy, PE  
Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration