



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

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

NOTICE OF AMENDMENT

OVERNIGHT EXPRESS MAIL

February 23, 2015

Mr. Jason Grey,
Interim Director of Utilities
City of Danville, VA
1040 Monument Street
Danville, Virginia 24540

CPF 1-2015-0005M

Dear Mr. Grey:

From October 22 to 23, 2013, inspectors from the Virginia State Corporation Commission (VA SCC) acting as Agents for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected City of Danville's (City) procedures for Public Awareness in Danville, VA.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within the City's plans or procedures, as described below:

1. §192.616 Public Awareness

(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

The City's written continuing public education program, Public Awareness Plan, dated July 22, 2010, was inadequate in that it failed to follow the general recommendations of API RP 1162 Section 7.1(g) and 8, and assess the unique attributes and characteristics of its pipeline and facilities.

Section 7.1(g) of API RP 1162 states that the written program should include the program evaluation process, including the methodology to be used to perform the evaluation and analysis of the results and criteria for program improvement based on the results of the evaluation.

The City's Public Awareness Plan did not have a detailed written process on how to determine whether the program has been developed and implemented according to API RP 1162, including requirements for annual audits as recommended in Section 8.3 API RP 1162. In addition, the Public Awareness Plan did

not have a detailed written process about how to determine whether the actions undertaken in implementation of API RP 1162 are achieving the intended goals and objectives. The Public Awareness Plan lacked adequate procedures for evaluating the program's effectiveness for all stakeholder groups, evidenced by the effectiveness evaluation documentation reviewed during this inspection, which only reached out to the Affected Public stakeholder group. Finally, the Public Awareness Plan lacked a detailed written methodology for considering the results of evaluations to revise or update the public awareness program, as recommended in Section 8.5 of API RP 1162.

Overall, the City's Public Awareness Plan lacked adequate procedures for the evaluations outlined in Section 8 of API RP 1162.

2. §192.616 Public Awareness

(b) The operator's program must follow the general program recommendations of API RP1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

The City's written continuing public education program, Public Awareness Plan, dated July 22, 2010, was inadequate in that it failed to follow the general recommendations of API RP 1162 Section 2.7 and 3, and assess the unique attributes and characteristics of its pipeline and facilities.

Section 2.7 of API RP 1162 contains a step-by-step guide for development and implementation of a Public Awareness Program. Step 5 of this Section guides the operator to identify the stakeholder audiences, including establishing methods to be used for audience identification, means of contacting or address lists for each audience type, documenting of methods used and the output, and to reference Section 3 of the RP for details on the stakeholder audiences.

The City's Public Awareness Plan did not include an adequate process or method for stakeholder identification for all stakeholder groups. The plan lacked details of what information is used to develop lists of each stakeholder group and both how and when these lists will be maintained and updated.

3. §192.616 Public Awareness

(b) The operator's program must follow the general program recommendations of API RP1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

The City's written continuing public education program, Public Awareness Plan, dated July 22, 2010, was inadequate in that it failed to follow the general recommendations of API RP 1162 Sections 7, and assess the unique attributes and characteristics of its pipeline and facilities.

Section 7 of API RP 1162 states "Each operator should establish policies and procedures necessary to properly document its Public Awareness Program and retain those key records for purposes of program evaluation."

The City's Public Awareness Plan did not include adequate policies and procedures for maintaining documentation of message delivery to all stakeholder groups, such as forms or other record keeping methods. Specifically, the procedure did not provide details on how they would document and retain public awareness program activities such as baseline message delivery regarding utility bill stuffers for Affected Public, written materials/group meetings for Emergency Officials, distribution of written materials for Public Officials, and group meetings for Excavators/Contractors, at the frequencies identified in Section F of their effective Public Awareness Plan.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. 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). If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

If, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 90 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that the City maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628 , Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 1-2015-0005M** and, for each document you submit, please provide a (signed) copy in electronic format whenever possible. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original (signed) paper copy to the Eastern Region Office.

Sincerely,

Byron Coy, P.E.
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

Cc: Mr. James Hotinger, VA SCC

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*