

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 27, 2009

Mr. Jim Benning
Director – Public Works and Utilities
City of Duluth – Public Works and Utilities
411 W. First Street
Rm. 211, City Hall
Duluth, MN 55802

CPF 3-2009-1002M

Dear Mr. Benning:

On August 18-21, 2008, a representative of the Minnesota Office of Pipeline Safety (MNOPS), acting as an interstate agent for the Pipeline and Hazardous Materials Safety Administration, Central Region (PHMSA), pursuant to Chapter 601 of 49 United States Code inspected the City of Duluth – Public Works and Utilities’ procedures for operation and maintenance in Duluth, Minnesota.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within the City of Duluth – Public Works and Utilities’ plans or procedures, as described below:

1. §192.605 – Procedural manual for operations, maintenance, and emergencies.

§192.605 requires each operator to include the following in its operating and maintenance plan:

(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations.

(b) Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.

(1) Operating, maintaining, and repairing the pipeline in accordance with each of the requirements of this subpart and Subpart M of this part.

Review of the City of Duluth – Public Works and Utilities’ (City) operation and maintenance manuals revealed that the following procedures were either inadequate or required more clarification.

- a) **191.15(a)** – The procedure did not refer to written reporting requirements for transmission incidents. The procedure in 03.05.02(b) doesn’t make the proper connection to the 30 day reporting requirements.
- b) **192.15(b)** – The procedure did not refer to written reporting requirements for supplementals for transmission incidents. Again, .03.05.02(b) is limited to the distribution system.
- c) **192.605(d)** – The Manual needs more guidance for employees to recognize safety related conditions.
- d) **192.709** – The records retention section of the Manual did not address record keeping requirements for repairs to pipe, and repairs to facilities other than pipe.
- e) **192.233** – The Manual allows miter joints up to 10 degrees. Since the transmission line operates at 31% SMYS, this should be limited to 3 degrees.
- f) **192.241** – Manual needs to include language indicating that visual inspection of all welding must be done to ensure it is conducted in compliance with the procedure, and that the completed welds meet the requirements of Section 9 of API 1104.
- g) **192.476(c)** – The Manual does not address changes to the transmission line must be evaluated for the impact of internal corrosion control.

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 60 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.

In correspondence concerning this matter, please refer to **CPF 3-2009-1002M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Ivan A. Huntoon
Director, Central Region
Pipeline and Hazardous Materials Safety Administration

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