U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

233 Peachtree Street Ste. 600
Atlanta, GA 30303

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 30, 2015

Mr. Jeffrey Householder
President
Florida Public Utilities Company
1015 6th St. NW
Winter Haven, FL 33881

CPF 2-2015-0005W

Dear Mr. Householder:

From June 8-11, 2015, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Southern Region, Office of Pipeline Safety (OPS) inspected the Florida Public Utilities Company (FPUC) liquefied petroleum gas (LPG) pipeline procedures and records in its DeBary, Florida office and pipeline facilities located in Orange, Seminole, and Volusia counties, Florida, pursuant to Chapter 601 of 49 United States Code.

As a result of the inspection, it appears that FPUC has committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The item inspected and the probable violation is as follows:

1. **§ 192.11 Petroleum gas systems.**
   (a) Each plant that supplies petroleum gas by pipeline to a natural gas distribution system must meet the requirements of this part and NFPA 58 and 59 (incorporated by reference, see §192.7).

   FPUC did not meet the requirements for container relief device testing in NFPA 59 (2004) [1], Section 10.1.4, which states that *"Relief devices, other than hydrostatic relief valves, shall be tested for proper operation at intervals not exceeding 5 years."*

[1] NFPA 59 (2004) is applicable to installations with aggregate water capacity greater than 4,000 gallons that supply LP Gas to a gas distribution system of 10 or more customers. Since the 30,000 gallon container at Veranda Park supplies LP Gas to a distribution system with 10 or more customers, the container is subject to the requirements of NFPA 59 (2004).

FPUC did not provide any documentation to demonstrate that it had tested the container relief devices, on the 30,000 gallon container at Veranda Park, for proper operation at intervals not exceeding 5 years. The Veranda Park system began operation in 2007 and the next test would have been due in 2012. As of the dates of this inspection, FPUC had not tested the container relief device. FPUC personnel indicated that they were not aware of the NFPA 59 requirement.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed $200,000 per violation per day the violation persists up to a maximum of $2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed $100,000 per violation per day, with a maximum penalty not to exceed $1,000,000 for a 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 identified in this letter. Failure to do so will result in Florida Public Utilities Company 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 2-2015-0005W**. 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).

Sincerely,

Wayne T. Lemoi
Director, Office of Pipeline Safety
PHMSA Southern Region