

**NOTICE OF PROBABLE VIOLATION  
and  
PROPOSED COMPLIANCE ORDER**

**VIA E-MAIL TO MR. ROUBIK GOLANIAN**

September 17, 2021

Mr. Roubik Golanian  
City Manager  
City of Glendale, Glendale Water & Power  
613 E. Broadway, Room 200  
Glendale, CA 91206-4391

**CPF 5-2021-037-NOPV**

Dear Mr. Golanian:

From April 27 through 29, 2021, a representative of the California Public Utilities Commission (CPUC), on behalf of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected the City of Glendale, Glendale Water and Power's (Glendale) Damage Prevention Program for its Scholl Landfill Gas Pipeline.

As a result of the inspection, it is alleged that Glendale has committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violations are:

1. **§ 192.605 - Procedural manual for operations, maintenance, and emergencies.**
  - (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. This manual must be reviewed and**

**updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.**

Glendale failed to review and update its manual of written procedures at intervals not exceeding 15 months, but at least once each calendar year, in violation of § 192.605(a). Glendale's *Operation and Maintenance Manual*, Procedure 3.01, which includes its Damage Prevention Program, was last updated in September 2018. Glendale failed to review and update Procedure 3.01 during 2019 and 2020 at the requisite intervals.

**2. § 192.603 General provisions.**

**(a)...**

**(b) Each operator shall keep records necessary to administer the procedures established under §192.605.**

Glendale violated § 192.603 by failing to keep records necessary to administer the procedures established under § 192.605. Specifically, Glendale's *Operations & Maintenance Procedures*, Procedure #18.01: Public Awareness (Revised: September 2018) requires Glendale to conduct an evaluation of its Public Awareness Program, and establishes the method to be used in Table 10-2.<sup>1</sup> During the inspection, Glendale was unable to provide records establishing that it had conducted the requisite evaluation(s).

**3. § 192.616 - Public awareness.**

**(a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see §192.7).**

Glendale violated § 192.616(a) by failing to implement a written continuing public education program that follows the guidance provided in API RP 1162. Although Glendale's *Operations & Maintenance Procedures*, Procedure #18.01: Public Awareness (Revised: September 2018) required the distribution of educational materials to stakeholders pursuant to API RP 1162 Section 5, the company failed to distribute these materials.<sup>2</sup>

**4. § 192.807 - Recordkeeping.**

**Each operator shall maintain records that demonstrate compliance with this**

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<sup>1</sup> See also API RP 1162, Section 8 (providing guidance to operators on how to periodically evaluate their Public Awareness Programs) (incorporated by reference, see § 192.7(b)(5)).

<sup>2</sup> During the inspection, Glendale informed PHMSA it failed to mail its public awareness brochures to stakeholder groups. See PHMSA Violation Report at 6 (on file with PHMSA).

**subpart.**

Glendale violated § 192.807 by failing to maintain records that demonstrate compliance with Part 192, Subpart N – Qualification of Pipeline Personnel. Specifically, during the inspection, Glendale was unable to produce records indicating the qualification of individuals who perform locate and mark activities, as required by § 192.805 of Subpart N.

Proposed Compliance Order

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violation occurring on or after January 11, 2021 and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violation occurring on or after July 31, 2019 and before January 11, 2021, the maximum penalty may not exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to propose a civil penalty assessment at this time.

With respect to Items 2, 3, and 4, pursuant to 49 U.S.C. §60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to City of Glendale, Glendale Water & Power. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Warning Items

With respect to Item 1, 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 promptly correct this item. Failure to do so may result in additional enforcement action.

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Enforcement 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).

Following the receipt of this Notice, you have 30 days to submit written comments, or request a hearing under 49 CFR §190.211. 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 you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from receipt of this Notice. This period may be extended by written request for good cause.

In your correspondence on this matter, please refer to **CPF 5-2021-037-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Dustin Hubbard  
Director, Western Region, Office of Pipeline Safety  
Pipeline and Hazardous Materials Safety Administration

Enclosures: *Proposed Compliance Order*  
*Response Options for Pipeline Operators in Enforcement Proceedings*

cc: PHP-60 Compliance Registry  
PHP-500 J. Dunphy (#21-201448)  
Terrence Eng, Program Manager, Gas Safety and Reliability Branch, California Public  
Utilities Commission

## **PROPOSED COMPLIANCE ORDER**

Pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to City of Glendale, Glendale Water & Power (Glendale), a Compliance Order incorporating the following remedial requirements to ensure compliance with the pipeline safety regulations:

- A. In regard to Item Number 2 of the Notice pertaining to Glendale's failure to provide records demonstrating performance of the required Public Awareness Program Effectiveness evaluation, Glendale must conduct and submit the required Public Awareness Program Effectiveness evaluation to PHMSA within 180 days of issuance of the Final Order.
- B. In regard to Item Number 3 of the Notice pertaining to Glendale's failure to distribute Public Awareness messages to stakeholder groups at the required frequency, Glendale must distribute the Public Awareness messages to the affected stakeholder groups and provide proof of distribution to PHMSA within 60 days of issuance of the Final Order.
- C. In regard to Item Number 4 of the Notice pertaining to Glendale's failure to provide training and qualification records of individuals who locate and mark the pipeline, Glendale must train and qualify the individuals who locate and mark the pipeline and provide those records for inspection to PHMSA within 30 days of issuance of the Final Order.
- D. It is requested (not mandated) that Glendale maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Dustin Hubbard, Director, Western Region, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.