



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 PROBABLE VIOLATION  
and  
PROPOSED CIVIL PENALTY**

**OVERNIGHT EXPRESS MAIL**

February 18, 2014

Robert Steidel  
Director, City of Richmond  
Department of Public Utilities  
730 East Broad Street  
Richmond, VA 23219

**CPF 1-2014-0001**

Dear Mr. Steidel:

On November 13, 2012, an inspector from the Virginia State Corporation Commission (VA SCC) acting as Agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected the City of Richmond's (City) pipeline facilities in Richmond, Virginia.

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

**1. § 192.465 External corrosion control: Monitoring.**

**(b) Each cathodic protection rectifier or other impressed current power source must be inspected six times each calendar year, but with intervals not exceeding 2-1/2 months, to insure that it is operating.**

The City of Richmond (City) failed to inspect each cathodic protection rectifier or other impressed current power source six times each calendar year, but with intervals not exceeding 2-1/2 months, to insure that it is operating.

Specifically, in 2011 and 2012, the City failed to inspect 21 rectifiers at intervals not exceeding 2-1/2 months.

During the inspection, VA SCC discovered 12 rectifiers that were inspected at intervals exceeding 2-1/2 months in 2011. Inspections for rectifiers identified by VA SCC ranged from 2 to 67 days late. The City self-reported 9 additional rectifiers that were inspected at intervals exceeding 2-1/2 months in 2012. Inspections for rectifiers identified by the City ranged from 1 to 7 days late.

Evidence includes the VA SCC Notice of Investigation (NOI) letter to the City dated November 29, 2012, and the City response letter dated December 19, 2012.

**2. § 192.747 Valve maintenance: Distribution systems.**

**(a) Each valve, the use of which may be necessary for the safe operation of a distribution system, must be checked and serviced at intervals not exceeding 15 months, but at least once each calendar year.**

The City failed to check and service each valve, the use of which may be necessary for the safe operation of a distribution system, at intervals not exceeding 15 months, but at least once each calendar year.

Specifically, the City did not inspect 4 Critical Valves at least once per calendar year. The critical valves numbers are: HN69B12, HW54P12, HW55G12, and HW56P12.

Evidence includes the VA SCC Notice of Investigation (NOI) letter to the City dated November 29, 2012, and the City response letter dated December 19, 2012. In the City response letter, the City acknowledged that their review of City records confirmed the VA SCC findings.

Proposed Civil Penalty

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. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violations and has recommended that you be preliminarily assessed a civil penalty of \$5,600 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$5,600

Warning Items

With respect to item number 2, 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 Compliance Proceedings*. Please refer to this document and note the response options. All material submit in response to this enforcement action may be 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.

In your correspondence on this matter, please refer to **CPF 1-2014-0001** and for each document you submit, please provide a copy in electronic format whenever possible, and please whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to [Byron.Coy@dot.gov](mailto:Byron.Coy@dot.gov). Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

Additionally, if you choose to respond to this (or any other case), please ensure that any response letter pertains solely to one CPF case number.

Sincerely,

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

Cc: James Hotinger VA SCC

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