U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628
609.771.7800

WARNING LETTER

OVERNIGHT EXPRESS DELIVERY

August 10, 2017

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

CPF 1-2017-0026W

Dear Mr. Steidel:

On January 19, 2017, an inspector from the Virginia State Corporation Commission (VA SCC), acting as an Agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected operator qualification (OQ) records during the City of Richmond's (City) construction activities at Parker Steet and Darbytown Road in Richmond, Virginia.

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

1. § 192.805 Qualification program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

...

(b) Ensure through evaluation that individuals performing covered tasks are qualified;

The City failed to ensure through evaluation that individuals performing covered tasks are qualified.

During the inspection on January 19, 2017, the VA SCC inspector observed an individual in the possession of performance evaluation criteria and written test for the City's *Operator Qualification Program Covered Task Evaluation CTS 2401 – Welding: Process*. The VA SCC inspector requested to review the individual's OQ records. The records indicated that the individual's OQ for the City's covered tasks *CTS 2401- Welding* and *CTS 2405-Welding Miter Joints* expired December 29, 2016. Between December 30, 2016 and January 18, 2017, the period where the individual's operator qualification was expired, the individual performed 16 welds.

Therefore, the City failed to ensure that individuals performing covered tasks are qualified.

As of April 27, 2017, under 49 U.S.C. §60122 and 49 CFR §190.223, you are subject to a civil penalty not to exceed $209,002 per violation per day the violation persists up to a maximum of $2,090,022 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(s) identified in this letter. Failure to do so will result in City of Richmond being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, please submit all correspondence in this matter to Robert Burrough, Acting Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, West Trenton, NJ 08628. Please refer to **CPF 1- 2017-0026W** on each document you submit, and whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to robert.burrough@dot.gov. Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

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,

Robert Burrough
Acting Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration