

## WARNING LETTER

### OVERNIGHT EXPRESS DELIVERY

August 12, 2019

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

**CPF 1-2019-0011W**

Dear Mr. Farr:

On January 28 through January 30, 2019, an inspector from the Virginia State Corporation Commission, Division of Pipeline Safety (VA SCC), acting as Agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected the City of Richmond's (City) records and procedures.

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

The City failed to follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. Specifically, the City failed

to follow its Natural Gas Procedure Manual – Control Room Management, dated 01/6/15 (CRM Procedure), by not retraining four existing controllers once every 3 years.

CRM Procedure Section IV (B)(2)(c) stated in part: “Retraining existing Natural Gas Controllers and their Supervisor(s) shall be conducted once every 3 years.”

During the inspection, the VA SCC inspector reviewed the “Control Room Management Procedure Review” (CRM Record) where the City documents the training completed by natural gas controllers. The CRM Record indicated the training date for four controllers in September 2014 with the next re-training date of January 2019. During the inspection, the City acknowledged missing the refresher training records from calendar year 2017.

Therefore, the City failed to follow written procedures, by not retaining four existing controllers once every 3 years.

## **2. § 192.616 Public Awareness**

### **(i) The operator’s program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.**

The City failed to have program documentation and evaluation results available for periodic review by appropriate regulatory agencies. Specifically, the City failed to have documentation demonstrating that a significant number and concentration of non-English speaking population does not currently exist within its operating area.

During the inspection, VA SCC inspector reviewed the City’s Public Awareness Plan: Gas Distribution Procedure, dated 11/27/17 (PAP Procedure) and requested relevant records related to the non-English speaking population. The PAP Procedure stated, “The Public Awareness Program will be conducted in English and in other languages commonly understood by a significant number of and concentration of the non-English speaking population in our service area. Although a significant number and concentration of non-English speaking population does not currently exist, the Buried Fuel Line Notification is provided in Spanish and responsibility for monitoring of the population has been assigned.”

The City did not have documentation or records demonstrating that a significant number and concentration of non-English speaking population does not currently exist, within its operating area as noted in PAP Procedure.

Therefore, the City failed to have public awareness program documentation and evaluation results available for periodic review by appropriate regulatory agencies.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$213,268 per violation per day the violation persists, up to a maximum of \$2,132,679 for a related series of violations. 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. For violations occurring prior to November 2, 2015, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$2,000,000 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(s) identified in this letter. Failure to do so will result in the City of Richmond being subject to additional enforcement action.

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).

No reply to this letter is required. If you choose to reply, please submit all correspondence in this matter to Robert Burrough, Director, PHMSA Eastern Region, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. Please refer to **CPF 1-2019-0011W** 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](mailto:robert.burrough@dot.gov). Larger files should be sent on USB flash drive accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

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