

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 2, 2013

Mr. Charles Warrington
Managing Director
City of Clearwater Gas System
400 N. Myrtle Avenue
Clearwater, FL 33755

CPF 2-2013-0004W

Dear Mr. Warrington:

From March 18-19, 2013, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Southern Region, Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code, inspected the City of Clearwater (Clearwater) liquefied petroleum gas (LPG) pipeline system records in Clearwater and facilities in Tarpon Springs and Port Richey, Florida.

As a result of the inspection, it appears that Clearwater 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. §192.743 Pressure limiting and regulating stations: Testing of relief devices. (a) Pressure relief devices at pressure limiting stations and pressure regulating stations must have sufficient capacity to protect the facilities to which they are connected. Except as provided in §192.739(b), the capacity must be consistent with the pressure limits of §192.201(a). This capacity must be determined at intervals not exceeding 15 months, but at least once each calendar year, by testing the devices in place or by review and calculations.**

Clearwater did not provide any records to demonstrate that the capacities of its pressure regulators with internal relief valves were confirmed, either by testing the devices in place or by review and calculations, in calendar years 2011 and 2012.

Under 49 United States Code, §60122, City of Clearwater is 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 City of Clearwater 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 2-2013-0004W**. 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