



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

230 Peachtree Street N.W.  
Suite 2100  
Atlanta, GA 30303

## **WARNING LETTER**

### **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

August 31, 2020

Mr. Keith Calkins  
President  
Calkins L.P. Gas Company  
2920 Avenue of the Americas  
Englewood, FL 34224

**CPF 2- 2020-0001W**

Dear Mr. Calkins:

From April 15 to 17, 2019, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Southern Region Office of Pipeline Safety(OPS), inspected Calkins L.P. Gas Company (Calkins Gas) liquefied petroleum gas (LP-Gas) records and selected procedures in Calkins Gas' Englewood, Florida, office and pipeline facilities in Sarasota County, Florida, pursuant to Chapter 601 of 49 United States Code (U.S.C.).

As a result of the inspection, it is alleged that Calkins Gas 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. **§ 192.463 External corrosion control: Cathodic protection.**
  - (a) **Each cathodic protection system required by this subpart must provide a level of cathodic protection that complies with one or more of the applicable criteria contained in appendix D of this part. If none of these criteria is applicable, the cathodic protection system must provide a level of cathodic protection at least equal to that**

**provided by compliance with one or more of these criteria.**

Calkins Gas failed to ensure that its cathodic protection systems provided levels of cathodic protection that complied with one or more of the applicable criteria contained in Appendix D of this part. Cathodic protection testing conducted during the field inspection identified low<sup>1</sup> potential readings on buried containers, as follows:

- Boca Royale Cayman Isles system (readings between -830 and -660 mV)
- Boca Royale Golf View system (readings between -848 and -562 mV)

**2. § 192.513 Test requirements for plastic pipelines.**

**(a) Each segment of a plastic pipeline must be tested in accordance with this section.**

**(b) [ . . . ]**

**(c) The test pressure must be at least 150% of the maximum operating pressure or 50 psi (345 kPa) gauge, whichever is greater. However, the maximum test pressure may not be more than 2.5 times the pressure determined under §192.121 at a temperature not less than the pipe temperature during the test.**

**(d) [ . . . ]**

Calkins Gas failed to meet the regulation because it did not test each segment of plastic pipeline in accordance with § 192.513. Specifically, Calkins Gas did not test each segment of plastic pipeline to at least 150% of the maximum operating pressure or 50 psi gauge (psig), whichever was greater.

Calkins Gas records showed that in June, 2018, Calkins Gas installed a new service line on St. John Boulevard, on the Boca Royale Golf View system, and tested the new service line to 20 psig. The 20 psig pressure test did not meet the testing requirements of § 192.513(c), which required a test pressure of at least 50 psig.

**3. §192.725 Test requirements for reinstating service lines.**

**(a) . . . .**

**(b) Each service line temporarily disconnected from the main must be tested from the point of disconnection to the service line valve in the same manner as a new service line, before reconnecting. However, if provisions are made to maintain continuous service, such as by installation of a bypass, any part of the original service line used to maintain continuous service need not be tested.**

Calkins Gas failed to meet the regulation because it did not test each service line temporarily disconnected from the main, from the point of disconnection to the service line valve, in the same manner as a new service line before reconnecting it.

Calkins Gas leak repair records showed that on August 1, 2017, Calkins Gas repaired a service line, damaged by a 3<sup>rd</sup> party, on St. John Boulevard, on the Boca Royale Golf View

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<sup>1</sup> The criteria for cathodic protection are contained in 49 CFR Part 192, Appendix D. The criterion being referenced in this letter is a negative (cathodic) voltage of at least 850 mV with reference to a saturated copper-copper sulfate half-cell. Accordingly, a low reading is any reading less negative than -850 mV.

system. The repair required the temporary disconnection of the downstream portion of the damaged line prior to being reconnected and reinstated. Nothing in the repair record demonstrated that the downstream portion of the line had been tested in the same manner as a new service line before being reconnected.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, Calkins Gas is subject to a civil penalty not to 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. 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 items identified in this letter to the extent practicable. Failure to do so will result in Calkins Gas 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- 2020-0001W**. 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,



*For*  
James A. Urisko  
Director, Office of Pipeline Safety  
PHMSA Southern Region