

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 7, 2011

Mr. Jim Benning, Director
City of Duluth Public Works and Utilities
City Hall
411 West 1st Street
Duluth, Minnesota 55802

CPF 3-2011-1006W

Dear Mr. Benning:

On May 10-12, 2010, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Minnesota Office of Pipeline Safety (MNOPS) pursuant to Chapter 601 of 49 United States Code inspected the City of Duluth Public Works and Utilities (Duluth) interstate natural gas transmission pipeline in Duluth, Minnesota.

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

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. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least one each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

Duluth had not reviewed its operations and maintenance (O&M) manual within the required 15 month interval. Duluth conducted O&M manual reviews on January 23, 2007, April 21, 2008, and August 12, 2009. The period from April 21, 2008 to August 12, 2009 exceeded the maximum 15 month interval by 22 days.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any 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 Duluth Public Works and Utilities 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 3-2011-1006W**. 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,

David Barrett
Director, Central Region
Pipeline and Hazardous Materials Safety Administration

cc: Ms. Elizabeth Skalnek, Minnesota Office of Pipeline Safety