

City of Susanville

PUBLIC WORKS DEPARTMENT



720 South St., Susanville, CA 96130 (530)257-1041 • www.susanvillepublicworks.org

Dan Newton, *Director* - Daniel Gibbs, *City Engineer*

19 June 2018

Alan K. Mayberry, Associate Administrator for Pipeline Safety
Office of Pipeline Safety, PIIMSA
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington D.C. 20590

JUN 21 2018

RE. CPF No. 5-2016-0004 - Petition For Reconsideration

Dear Mr. Mayberry

The City is in receipt of your Final Order dated June 1, 2018. Per the last paragraph on Page 9, the City is submitting this Petition for Reconsideration of the order as allowed under 49 C.F.R. § 190.243. The following is the City's statement of the issue(s) regarding the content of that Final Order:

- i. Notice(s) of Probable Violation and Proposed Order (Notice), inclusive of warnings, did not present nor discuss matters related to arguments on behalf of PIIMSA for large volume customers. The City contends it has not had sufficient notice nor opportunity for due process. Further, the City is of the opinion that it reserves the right to have this secondary issue recently brought forth by PHMSA contested in similar manner to the previous violations;
- ii. Arguments provided by PHMSA regarding anticipated Notice of Proposed Rulemaking (NPRM) are utilized in favor of the Office of Pipeline Safety only. The City is concerned that use of the NPRM should be considered and weighted equally when presented in support of the Respondent's arguments;
- iii. Definitions, subsequent analysis and arguments regarding the extent of the transmission main designation presented on Page 2 and 3 respectively of the Order (ref. Section 192.4 on page 425 of 49 C.F.R.) ignores language within Item (1) of paragraph in Column 2. Yet, this section specifically quotes large volume customer, which would reduce the limits of designation regarding transmission. Since the City's large volume customers (as is strongly implied in your paragraph on Page 3) are served at an obvious point of connection or branch, it appears this potential reduction in the length of the transmission designation is worthy of revisiting.

On a related matter, items 3) and 4) on Page 8 of the Compliance Order have been completed but have not been formally submitted. These remain an integral part of our Operations and Maintenance (O&M) Plan and are available for review and confirmation upon request. The City acknowledges the items in the compliance order and stipulates it will continue to pursue and make every attempt to comply within 90 and 180 days. However, some items will likely necessitate requesting grants for extension from the Director as allowed on Page 8 of your compliance order.

Sincerely,

Daniel Gibbs, PE
Acting Public Works Director