



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

12300 W. Dakota Ave., Suite 110  
Lakewood, CO 80228

## WARNING LETTER

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

March 16, 2020

Mr. James Herberg  
General Manager  
Orange County Sanitation District  
10844 Ellis Avenue  
Fountain Valley, CA 92708

**CPF 5-2020-0006W**

Dear Mr. Herberg:

On August 19 through 22, 2019, a representative of the California Public Utilities Commission (CPUC), on behalf of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected the Orange County Sanitation District (OCSD) gas transmission system procedures and records.

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 items inspected and the probable violations are:

1. **§192.201 Required capacity of pressure relieving and limiting stations.**
  - (a) **Each pressure relief station or pressure limiting station or group of those stations installed to protect a pipeline must have enough capacity, and must be set to operate, to insure the following:**
    - (1) ...
    - (2) **In pipelines other than a low pressure distribution system:**

**(i) If the maximum allowable operating pressure is 60 p.s.i. (414 kPa) gage or more, the pressure may not exceed the maximum allowable operating pressure plus 10 percent, or the pressure that produces a hoop stress of 75 percent of SMYS, whichever is lower; ...**

OCSD failed to set the pressure relief valve on the discharge of the compressor to a value of not more than the maximum allowable operating pressure plus 10 percent. During the inspection, it was discovered that the MAOP of the OCSD pipeline is 80 psig. The OCSD pressure relief valve set point, however, was recorded at 96 psig. The correct maximum set point for this relief valve (based on the MAOP of 80 psig) is 88 psig, which is lower than the pressure that produces a hoop stress of 75 percent of SMYS.

## **2. §192.625 Odorization of gas.**

**(a) A combustible gas in a distribution line must contain a natural odorant or be odorized so that at a concentration in air of one-fifth of the lower explosive limit, the gas is readily detectable by a person with a normal sense of smell.**

...

**(f) To assure the proper concentration of odorant in accordance with this section, each operator must conduct periodic sampling of combustible gases using an instrument capable of determining the percentage of gas in air at which the odor becomes readily detectable...**

OCSD failed to conduct periodic sampling of combustible gases using an instrument capable of determining the percentage of gas in air at which the odor becomes readily detectable. During the inspection, OCSD did not produce records or other documentation to demonstrate that it conducted periodic sampling pursuant to § 192.625(f).<sup>1</sup>

Under 49 U.S.C. §60122 and 49 CFR §190.223, you are 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

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<sup>1</sup> 49 C.F.R. § 192.603(b) requires operators to keep records necessary to administer the procedures established under § 192.605, which includes operating, maintaining and repairing the pipeline in accordance with each requirement of subpart L.

this letter. Failure to do so will result in OCSD 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 5-2020-0006W**. 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,



Dustin Hubbard  
Director, Western Region  
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry  
PHP-500 J. Dunphy (#167795)  
Terrence Eng, Program Manager, Gas Safety and Reliability Branch  
California Public Utilities Commission  
James Spears, Operations Manager, Orange County Sanitation District  
10844 Ellis Avenue, Fountain Valley, CA 92708