November 22, 2021

Mr. Dustin Hubbard
Director, Western Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration

Reference: CPF 5-2020-051-NOPV

Dear Mr. Hubbard,

This letter is in response to the “Notice of Probable Violation and Proposed Compliance Order” letter dated October 15, 2021. After reviewing said letter, the City of Victorville and Victorville Municipal Utility Services (VMUS) has determined that it will not contest the violations listed; however, we would like to provide additional information that may add clarity on the issues raised.

Listed below are the items identified in the Proposed Compliance Order and the corrections and/or enhancements that have been implemented by staff.

1. §192.616 - Public awareness.
   (a)...
   (b) The operator’s program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator’s pipeline and facilities.

_Victorville failed to follow the general program recommendations of API RP 1162 in its public awareness program. Specifically, Victorville failed to conduct an effectiveness evaluation of its public awareness program to assess whether the actions undertaken were achieving the intended goals and objectives, as required by API RP 1162 Section 8.4. Additionally, Victorville failed to complete an annual audit or review of whether the public awareness program was developed according to guidelines in API RP 1162. During the inspection, Victorville was unable to produce records establishing that it had performed the requisite effectiveness evaluations and annual audits._

The Proposed Compliance Order requires the City of Victorville to:
A. Complete and submit to PHMSA an effectiveness evaluation of its public awareness program within 180 days of receipt of the Final Order.
B. Complete and submit to PHMSA an annual audit of its public awareness program within 30 days of receipt of the Final Order.

Response

VMUS has modified its public awareness program to include a more robust effectiveness evaluation, and ensure we are following those guidelines issued in API RP 1162. Attachment A is the updated City of Victorville Municipal Utility Services Public Awareness Plan. Attachment B includes documentation of the public awareness evaluation completed on March 3, 2021 and performed in accordance with the plan and the guidelines in API RP 1162.

VMUS does perform an annual review of the program and did provide documentation to the auditors previously as a response to Data Request 07 on April 22, 2020. Attachment C provides the documentation confirming the performance of an annual review of the program that occurred in each of the last four years.

While we have made some significant changes to our process as noted above, we did want to highlight that VMUS has had zero incidence of third-party damage to our gas pipeline system over the last 10 years, and no near misses or City-inflicted damage. The VMUS system is small (9 sq. miles) and limited to industrial and commercial customers. Because of this, our VMUS Gas Distribution Coordinator has the ability to maintain awareness and provide appropriate coordination activities with contractors that are operating in the service area. He has face-to-face contact with contractors throughout the year, and regularly patrols the service area to monitor ongoing activities.

Please consider this item for closure.

2. §192.805 - Qualification program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(a)...
(b) Ensure through evaluation that individuals performing covered tasks are qualified;

Victorville failed to ensure through evaluation that individuals performing covered tasks were qualified as required by §192.805(b). During the inspection, Victorville did not provide supporting documents for the evaluation and qualification methods for each covered task.

The Proposed Compliance Order requires the City of Victorville to:

A. Perform the requisite evaluations and submit qualification records to PHMSA within 60 days of receipt of the Final Order.
B. Amend its Operator Qualification Program and submit the amendments to PHMSA within 30 days of receipt of the Final Order. In its amended procedures, Victorville must include sufficient detail on the means by which Victorville will evaluate an individual's ability to perform a covered task.

Response

At the time of the audit, the VMUS Operator Qualification Program included the following instructions regarding evaluations:

A) Individual: An individual’s knowledge, ability, and skill to perform a covered task and to recognize and appropriately react to an abnormal operating condition will be evaluated using a combination of (more than one) the following methods:

1. Written or oral examination including AOCs
2. Work performance history review
   a. Review documentation of an individual's past performance of a covered task
   b. Verify successful performance of the covered task on a regular basis during the past qualification period
   c. Verify that the performance history contains no indications of unsatisfactory of substandard work or involvement in an incident, caused by an error in performing the covered task
3. Performance observation and assessment during:
   a. Classroom training and performance evaluation
   b. Quality control inspections (QCs), and observation of on the job performance
   c. On-the-job training and instruction
   d. Task simulation
   Each evaluation shall include the identification and appropriate reaction to AOCs
4. Qualified third-party evaluations:
   a. Field QCs
   b. Audit of records and other documentation

The language, above, indicated the various methods that were to be used for the evaluation; however, the auditors were concerned that the Covered Task Matrix, which identified each required task, did not explicitly specify the method for evaluating each of the individual tasks.

As a result of these discussions, VMUS has added two additional columns to our Covered Task Matrix to document the evaluation method that will be used for each task. Attachment D is the City of Victorville Municipal Utility Services Operator Qualification Program with the updated Covered Task Matrix.

For the 2018 evaluation period relevant to the audit, VMUS operators were trained and evaluated by a third-party contractor, Sunrise Engineering. Attachment E is a letter from Sunrise Engineering, dated October 29, 2021, which delineates the evaluation method that was used for each of the tasks being assessed.
In 2021, our operators have been requalified by completing the full operator qualification training in accordance with the updated Covered Task Matrix. This training was provided through the Industrial Training Services, Inc. (ITS) Onboard Learning Management System with onsite performance evaluations conducted by ITS-certified trainer Sunrise Engineering. The records included in Attachment F document the results of these evaluations for each of our qualified employees.

Please consider this item for closure.

In closing, I would like to thank all those involved in the audit process for the assistance provided in ensuring the City of Victorville is meeting our regulatory obligations. If you have any questions or need additional information, please let me know.

Thank you –

[Signature]

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Attachment A:  City of Victorville Municipal Utility Services Public Awareness Plan
Attachment B:  Public Awareness Plan Effectiveness Assessment
Attachment C:  Public Awareness Plan Review and Annual Audit Documentation
Attachment D:  City of Victorville Municipal Utility Services Operator Qualification Program with Covered Task Matrix
Attachment E:  Sunrise Engineering 10/29/21 Letter Documenting Testing Methods
Attachment F:  Training/Qualification Records for VMUS Operators