

NOTICE OF AMENDMENT

OVERNIGHT EXPRESS DELIVERY

May 25, 2023

Mr. Calvin Farr
Director, City of Richmond DPU
City of Richmond
730 East Broad Street
Richmond, Virginia 23219

CPF 1-2023-039-NOA

Dear Mr. Farr:

From April 6, 2022, to May 16, 2022, an inspector from the Virginia State Corporation Commission, Division of Pipeline Safety (VA SCC), acting as Agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected the City of Richmond's (City) procedures and records.

As a result of the inspection, PHMSA has identified the apparent inadequacy found within the City's plans or procedures. The item inspected and the inadequacy is described below:

1. **49 CFR § 192.605 Procedural manual for operations, maintenance, and emergencies.**
 - (a) ...
 - (b) ***Maintenance and normal operations.*** The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.
 - (1) **Operating, maintaining, and repairing the pipeline in accordance with each of the requirements of this subpart and Subpart M of this part.**

The City's procedures for maintenance and normal operations were inadequate. Specifically, the City's Procedure Manual Chapter 6 Section I Leak Survey, effective 7/22/2013 (Leak Survey Procedure) failed to provide details when to record results and corrective action during leak surveys. Additionally, the Leak Survey Procedure and Procedure Manual Chapter 7 Section VI Abnormal Operating Conditions, effective 1/16/2015 (AOC Procedure) failed to cross-reference each other and other procedures that provide the necessary details, in accordance with §§ 192.605(b)(1) and 192.723.

The City's Leak Survey Procedure stated in part:

“IV. PROCEDURE

F. Additional Inspections

1. ...
2. At each above ground facility (including meter manifolds and purge points contained within a vault or box structure) the following additional inspections are conducted as appropriate and the results and need for corrective action recorded:
 - a. ...
 - b. ...
 - c. Vent location – checking the location of inside meter vent locations in relation to windows, air intakes and electrical equipment
 - d. ...
 - e. Any other abnormal condition.”

The Leak Survey Procedure did not provide adequate details to determine when vent locations, or any other abnormal condition, require results and corrective actions to be recorded. In addition, the Leak Survey Procedure did not cross-reference the AOC Procedure or the City's Procedure Manual Chapter 3 Section X Customer Manifolds, Meters, and Regulators, effective 6/10/2019 (Meter Procedure) Section IV, A, 3 and Exhibit C ¹, both which would have provided the necessary information.

Additionally, the City's AOC Procedure stated in part:

“IV. PROCEDURE

A...

B. The following are AOC's that may be encountered, a summary of expected immediate reaction, and reference to the procedure containing detailed instructions:

Abnormal Operating Condition	Immediate Reaction	Reference Procedure
Improper Meter/Regulator Location – Unprotected or improperly located meter or regulator.	Notify Operations Manager – Gas for investigation / resolution of meter protection issues. Notify Operations Manager – Field Services for investigation / resolution of meter or regulator location issues.	Procedure I.3.I, Construction – General Requirements, Procedure I.3.III, Construction of Services

The AOC Procedure did not cross-reference the Leak Survey Procedure.

¹ The City's Meter Procedure stated in part:

“IV. PROCEDURE

A. Meter and Manifold Construction

3. Meters installed inside of buildings shall also be readily accessible, must be located in a ventilated space not less than 3 feet from any sources of ignition or source of heat.

Exhibit C

Meter and Regulator Installation Location Clearances

- The meter must be in a readily accessible location where gas from the vent can escape freely into the atmosphere and:
 - 3' from any window that opens”

Therefore, the City failed to include details in its procedures in accordance with §§ 192.605(b)(1) and 192.723. The City must amend its Leak Survey Procedure and AOC Procedure to include details and cross-references regarding when results and corrective action must be recorded during leak surveys.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. Enclosed as part of this Notice is a document entitled Response Options for Pipeline Operators in Compliance Proceedings.

Please refer to this document and note the response options. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under §190.211. If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that the City of Richmond maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Robert Burrough, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 1-2023-039-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: Response Options for Pipeline Operators in Enforcement Proceedings