

WARNING LETTER

VIA ELECTRONIC MAIL TO: daniel.rifenburgh@rva.gov

July 1, 2025

Mr. David Rifenburgh
Director
City of Richmond
400 Richmond Highway
Richmond, Virginia 23224

CPF 1-2025-029-WL

Dear Mr. Rifenburgh:

On April 18, 2024, an inspector from the Virginia State Corporation Commission, Division of Pipeline Safety (VA SCC), acting as an 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) natural gas distribution pipeline system near the intersection of West End Drive and Whitemont Drive in Richmond, Virginia.

As a result of the inspection, it is alleged that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). 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 once 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.

The City failed to follow its manual of written procedures for conducting operations and maintenance activities in accordance with section 192.605(a). Specifically, the City failed to follow its operations and maintenance procedures manual, *UTILITY: Natural Gas, Volume I, Chapter/Section 5/I, Topic: Damage Prevention Program* (09/01/16) (DP Procedure), by not marking the approximate location of its gas main distribution pipeline to within two feet on either side of the pipeline.

The DP Procedure, in section C.4 stated that “[i]n the event that the mark out person determines underground gas facilities may be located in the immediate vicinity of the specific site, the approximate location (within 2 feet of either side of the facility) of such facilities shall be marked in accordance with this procedure in such a manner that it will enable the excavator to establish the location of the facilities so marked.”

During the inspection, VA SCC was informed by City personnel that a six-inch plastic gas main (Main) on West End Drive had been damaged by a third-party excavator. The third-party excavator was working under an active Virginia 811 emergency locate request to repair a broken sewer lateral when it damaged the Main with mechanized equipment. City personnel had isolated the damaged section of pipe at three different valves in the area prior to VA SCC’s arrival. No injuries were reported as a result of the damage.

The VA SCC inspector’s on-site investigation discovered that the Main was located approximately 4.5 feet from the location marks the City placed during its response to the third-party excavator’s Virginia 811 emergency locate request (A410900075-00A). The City’s failure to mark the Main’s location to within two feet of the pipeline’s approximate location led to excavation damage.

Therefore, the City failed to follow its manual of written procedures for conducting operations and maintenance activities in accordance with section 192.605(a).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$272,926 per violation per day the violation persists, up to a maximum of \$2,729,245 for a related series of violations. For violation occurring on or after December 28, 2023 and before December 30, 2024, the maximum penalty may not exceed \$266,015 per violation per day the violation persists, up to a maximum of \$2,660,135 for a related series of violations. For violation occurring on or after January 6, 2023 and before December 28, 2023, the maximum penalty may not exceed \$257,664 per violation per day the violation persists, up to a maximum of \$2,576,627 for a related series of violations. For violation occurring on or after March 21, 2022 and before January 6, 2023, the maximum penalty may not exceed \$239,142 per violation per day the violation persists, up to a maximum of \$2,391,142 for a related series of violations. For violation occurring on or after May 3, 2021 and before March 21, 2022, the maximum penalty may not exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violation occurring on or after January 11, 2021 and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violation occurring on or after July 31, 2019 and before January 11, 2021, the maximum penalty may not exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 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 item identified in this letter. Failure to do so may result in City of Richmond 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 1-2025-029-WL**. 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,

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