



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628
609.771.7800

WARNING LETTER

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

March 2, 2026

Daniel Rifenburgh
Director
City of Richmond
400 Richmond Highway
Richmond, Virginia 23224

CPF 1-2026-009-WL

Dear Mr. Rifenburgh:

On November 12, 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 City of Richmond's (City) procedures for gas pipeline Operator Qualification (OQ) at 400 Richmond Highway, Richmond, Virginia.

As a result of the inspection, it is alleged that the City has committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violations are:

1. § 192.805 Qualification program.

Each operator shall have and follow a written qualification program.

The program shall include provisions to:

(a) . . .

(f) Communicate changes that affect covered tasks to individuals performing those covered tasks;

The City of Richmond (City) failed to follow its written operator qualification program in accordance with section 192.805(f). Specifically, the City failed to follow its *Richmond Gas Works*

DOT Operator Qualification Program Plan (05/05/2024) (OQ Plan), section F, by failing to communicate changes that affect covered tasks to individuals performing covered tasks related to pipeline expansion joint installation and operation of new electrofusion equipment.

During the inspection, the VA SCC inspector reviewed the OQ Plan. Section F of the City's OQ Plan addresses this requirement and stated in part:

Initiation of the communication process to address changes impacting a Covered Task is the responsibility of the Compliance Engineer with assistance from subject matter experts of the involved area the Gas O.Q. Training Manager and staff where warranted or needed. Training and qualification materials will be modified as applicable to reflect changes. Changes affecting a Covered Task will be communicated to the individual(s) performing that task as soon as reasonably possible via the Notification of Change Form (See Exhibit A) and one, or a combination, of the following methods: Written or oral instruction Department meetings, Tailgate briefings, Training sessions, Technical mailings.

During the inspection, the City was unable to present records showing completion of the Notification of Change form for changes associated with pipeline expansion joint installation and new electrofusion equipment. The City furnished a record stating that on September 5, 2024, training commenced for new electrofusion equipment. The City was unable to produce a record showing that its Notification of Change Form was completed as required by Section F of the City's Plan.

Therefore, the City failed to follow its written operator qualification program in accordance with section 192.805(f).

2. § 192.805 Qualification program.

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

(a) . . .

(c) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified;

The City failed to follow its written operator qualification program in accordance with section 192.805(c). Specifically, the City failed to follow its OQ Plan, section C, by failing to ensure individuals that are not qualified pursuant to this subpart to perform a covered task are directed and observed by an individual that is qualified.

During the inspection, the VA SCC inspector reviewed the OQ Plan. Section C of the OQ Plan stated, in part that "[t]he ratio of non-qualified individuals to qualified individuals span of control

shall not exceed one to one (1:1) for all covered tasks.” In addition, section J stated in part “Richmond Gas Works requires that all contractors whose employees (or subcontractors) perform Covered Tasks on behalf of Richmond Gas Works must have an OQ plan that is similar to, or comparable (as determined by evaluation), to RGW’s latest OQ plan.”

Southeast Connections (SEC), a contractor working for the City, maintains span of control (SOC) limits in appendix 5 of its own Operator Qualification Plan. Section 5 of the SEC plan allowed for a SOC of 1-to-2 for the task of joining of threaded pipe joints, 1-to-4 for the task of joining flange assembly, 1-to-3 for the task of backfilling, 1-to-5 for the task of coating application and repair, and 1-to-2 for the task of purging flammable or inert gas. The City failed to follow its plan by allowing contractor personnel to maintain SOC ratios that exceed the City’s limit of 1-to-1.

Section C of the OQ Plan prohibits a span of control for the task of gas purging operations. Section C stated, in part, that “[n]on-qualified individuals shall not perform the following tasks due to the nature of the required skills and knowledge: Fusion (includes Electro-Fusion, Welding, Tapping Procedures, and Gas Purging Operations.)” Southeast Connections allows for a SOC of 1-to-2 for the task of purging flammable or inert gas.

Therefore, the City failed to follow its written operator qualification program in accordance with section 192.805(c).

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 items 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 1-2026-009-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

cc: Eddie Childers, Operations Manager, City of Richmond, eddie.childers@rva.gov
Jarod Cath, Engineer, City of Richmond, Jarrod.Cath@rva.gov