



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

August 23, 2012

Mr. Joe Flores
Public Works Manager
City of Victorville
Municipal Utility Services
14343 Civic Drive
Victorville, CA 92392

CPF 5-2012-0018W

Dear Mr. Flores:

From December 12 to December 15, 2011, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected your gas pipeline distribution system in Victorville, California.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violation(s) are:

1. 192.615 Emergency Plans

(b) Each operator shall:

(2) Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

During the inspection, the City of Victorville was unable to provide training records showing that the appropriate operating personnel were trained and knowledgeable in their emergency procedures for the years 2010 and 2011. However, they were able to produce training records showing proper training of the operating personnel for 2009. They also failed to follow their own Emergency Response Plan, Section A, issued March 2, 2007, which states that training shall be conducted annually with provisions for integrating emergency plan revision as necessary.

2. 192.615 Emergency Plans

(c) Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to:

During the inspection, the City of Victorville was unable to provide records showing established liaison with local authorities. They also failed to follow their own Emergency Response Plan, Section A, issued March 2, 2007, which states that annually they must establish and maintain liaison with appropriate local civil authorities.

3. 192.225 Welding Procedures

(a) Welding must be performed by a qualified welder in accordance with welding procedures qualified under section 5 of API 1104 (incorporated by reference, see § 192.7) or section IX of the ASME Boiler and Pressure Vessel Code "Welding and Brazing Qualifications" (incorporated by reference, see § 192.7) to produce welds meeting the requirements of this subpart.

Our inspections could not confirm that the welding conducted your contractor utilized the correct welding procedures. During the inspection, the City of Victorville provided 39 welding procedures that did not meet the qualifications of API Standard 1104. These welding procedures were from their contractor, Sunrise Engineering, Inc. They stated that all welding conducted on their system was accomplished by this contractor. The procedures grouped the wall thickness of the pipe into one variable of .188 through .750 inches instead of grouping them per the API Standard 1104. API Standard 1104 specifies if there is a change from one wall thickness group to another, the welder using the new procedures must be requalified. The groups are defined as follows:

1. Nominal pipe wall thickness less than 1/16 inches
2. Nominal pipe wall thickness from 1/16 inch through ¼ inch
3. Nominal pipe wall thickness greater than ¼ inch.

The City of Victorville, and their contractor, Sunrise Contractors, did not have evidence that all welding accomplished by them utilized a properly qualified procedure. Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any 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 will result in the City of Victorville 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 5-2012-0018W**. 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,

A handwritten signature in black ink, appearing to read "Chris Hoidal", is written over the "Sincerely," line.

Chris Hoidal
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry
PHP-500 P. Nguyen (#132894)