



SENT VIA EMAIL, and CERTIFIED MAIL, RETURN RECEIPT REQUESTED

September 8, 2021

Dustin Hubbard
Director, Western Region, Office of Pipeline Safety
Pipeline and Hazardous Material Safety Administration
12300 W. Dakota Avenue, Suite 110
Lakewood, CO 80228

Re: Notice of Amendment; CPF 5-2021-039-NOA

Dear Mr. Hubbard:

This letter responds to the Pipeline and Hazardous Material Safety Administration's (PHMSA) Notice of Amendment (CPF 5-2021-039-NOA) dated July 16, 2021, resulting from the PHMSA inspection conducted by the California Public Utilities Commission (CPUC) on November 16 through November 17, 2020. It should be noted, pursuant to Title 49 Code of Federal Regulations (CFR) section 190.206¹ "Amendment of plans and procedures", (a), "The notice will specify the alleged inadequacies and the proposed revisions of the plans or procedures and provide an opportunity to respond."

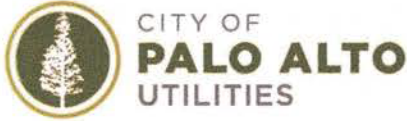
The Notice of Amendment issued by PHMSA, dated July 16, 2021, identifies the sections in the City of Palo Alto Utilities Gas Operations' 2019 Operation, Inspection and Maintenance Manual that are inadequate under section 192.614, but does not propose revisions to the plans or procedures. The City of Palo Alto (CPA) interpreted the alleged inadequacies and provided responses or amendments below based on CPA's understanding of that section.

The CPA has responded and amended its Operation, Inspection, and Maintenance Manual procedures, pursuant to section 190.206, "Amendment of plans or procedures", regarding the following items identified in PHMSA's CPF 5-2021-039-NOA Notice of Amendment:

Item 1. 192.614 (c)(1) – Damage prevention program

- (1) Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.

¹ All additional regulatory references in this letter refer to Title 49 of the Code of Federal Regulations, unless otherwise noted.



CPA Response (Item 1):

The CPA's Operations, Inspection, and Maintenance Manual (O&M) includes the current identity of persons who normally engage in excavation activities in pipeline areas in Appendix A28 (List of Additional Excavators). CPA annually updates this list of excavators who normally engage in excavation activities in the CPA and surrounding area, including company names and addresses.

The CPA has amended O&M section 3.4 (Damage Prevention; Reporting / Notification) to include a reference to Appendix A28 (List of Additional Excavators) (See amended O&M section 3.4, enclosed).

Item 2. 192.614 (c)(2) – Damage prevention program

- (2) Provide for the notification of the public in the vicinity of the pipeline and actual notification of the persons identified in section 192.614(c)(1).

CPA Response (Item 2):

The CPA documents its notification of the public in the vicinity of the pipeline, as well as the actual notification of the persons identified in section 192.614(c)(1) in O&M section 3.6 (Public Education) and through CPA's Public Awareness Program (PAP), specifically section 4 (Stakeholder Outreach) which can be found in the Appendices of the O&M (A24: Gas Pipeline Safety Public Awareness Program). By reference to PAP section 4 (Stakeholder Outreach), O&M section 3.6 (Public Education) addresses which stakeholders receive gas safety awareness information and the frequency with which they receive it.

PAP section 4 (Stakeholder Outreach) identifies all stakeholder audiences, the message types each stakeholder receives, the frequency, the method the information is disseminated, the party who is responsible for distribution of the gas safety information, and the progress of distribution.

According to this plan, CPA annually distributes Gas Safety Awareness Brochures to the public – those in CPA and outside CPA living near a gas pipeline – and to excavators. The Gas Safety Awareness Brochures inform these stakeholders to contact 811 via website or phone when they excavate, build a fence or deck, plant trees, stake a tree, or repair sprinklers. This brochure also informs these stakeholders that failure to contact 811 prior to digging can result in liability for damage or loss of property that results from a failure to call.

The CPA will amend O&M section 3.4 (Damage Prevention; Related Procedures) to include a reference to O&M section 3.6 (Public Education); (See O&M section 3.6, amended O&M section 3.4 and PAP section 4 (Stakeholder Outreach), enclosed).



Item 3. 192.614 (c)(3) – Damage prevention program

- (3) Provide a means of receiving and recording notification of planned excavation activities.

CPA Response (Item 3):

Per section 192.614 (b), the CPA provides a means of receiving and recording notifications of planned excavation activities through its participation in a public service program. The CPA is an active member of Underground Service Alert (USA) North 811 (One-call System), which provides notifications to CPA of emergency and planned excavation activities throughout the City and surrounding areas. The CPA responds to each request through the one-call system. The CPA will amend O&M section 3.4 (Damage Prevention – Related Procedures) to include a reference to O&M section 3.5 (Mark and Locate Procedures). The CPA will amend O&M section 3.5 (Mark and Locate Procedures - Scope and Purpose) to include a sentence informing the operator that CPA is a member of the USA North 811 One-Call System (See amended O&M sections 3.4 and 3.5, enclosed).

Item 4. 192.614 (c)(4) – Damage prevention program

- (4) Provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings, if the operator has buried pipelines in the area of the excavation activity.

CPA Response (Item 4):

The CPA provides for actual notification of persons who give notice of their intent to excavate of the temporary marking to be provided, and how to identify the markings, as follows:

- Per section 192.614 (b), the CPA is an active member of USA North 811 (One-call System). When excavators call into USA North, they will receive an electronic positive response (EPR) for their ticket, notifying them the area is clear or the CPA has buried pipelines within their delineated area.
- The excavator can reference the one-call systems website for proper delineation, markings, and utility color. If the excavator continues to have questions, they can contact the CPA directly using the information provided on their ticket or can send their questions through the one-call system.

The CPA will amend O&M section 3.5 (Mark and Locate Procedures; Scope and Purpose) to include a sentence informing the operator that CPA is a member of the USA North 811 One-Call System (See amended O&M section 3.5, enclosed).

In response to the items listed in PHMSA's CPF 5-2021-039-NOA Notice of Amendment, CPA has made the foregoing amendments to the O&M. All amendments are reflected in the documents enclosed.



CITY OF
PALO ALTO
UTILITIES

Please do not hesitate to contact me at 650-496-6981 or Dean.Batchelor@cityofpaloalto.org if you have any questions.

Sincerely,

Dean Batchelor
Director of Utilities