

CERTIFIED MAIL RETURN RECEIPT REQUESTED

June 21, 2022

Mr. Dustin Hubbard
Director, Western Region
PHMSA, Office of Pipeline Safety
12300 W. Dakota Ave., Suite 110
Lakewood Colorado 80228

Re: CPF 5-2022-039-NOA

Dear Mr. Hubbard:

The City of Long Beach Energy Resources Department (LBER), formerly Long Beach Gas & Oil Department received your June 16, 2022, letter regarding NOTICE OF AMENDMENT (NOA), resulting from the October 26 through 29, 2021 California Public Utilities Commission on behalf of the Pipeline Hazardous Materials Safety Administration (PHMSA) inspection of LBER's written procedures for operations and maintenance of the natural gas distribution system.

This notice is to inform PHMSA that LBER is not contesting the NOA. LBER will establish adequate plans that define our Public Awareness Plan within 180 days of the June 16, 2022, NOA.

Should you have any questions on this matter, please do not hesitate to contact me at (562) 570-2001.

Sincerely,



Robert Dowell
Director





U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

12300 W. Dakota Ave., Suite 110
Lakewood, CO 80228

NOTICE OF AMENDMENT

VIA E-MAIL TO MR. ROBERT DOWELL

June 16, 2022

Mr. Robert Dowell
Director
City of Long Beach Gas & Oil
2400 East Spring Street
Long Beach, CA 90806-2285

CPF 5-2022-039-NOA

Dear Mr. Dowell:

On October 26 through 29, 2021, representatives of the California Public Utilities Commission (CPUC), on behalf of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected and reviewed the City of Long Beach Gas & Oil's (Long Beach) written procedures for operations and maintenance (O&M) of its natural gas pipeline distribution system in Long Beach, California.

Based on the inspection findings, the following apparent inadequacies were identified within Long Beach's plans or procedures, as described below:

1. § 192.616 - Public awareness.

(a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, *see* § 192.7)...

Long Beach's written continuing public education program is inadequate to assure safe operation of a pipeline facility. Specifically, Long Beach's Public Awareness Plan (PAP) 2021 does not

implement the requirements of § 192.616(d) and API RP 1162 Section 3.2 and 3.3 because it fails to specifically include provisions to educate emergency officials with emergency response and/or public safety jurisdiction (e.g., neighboring city/county/state police and fire officials, county, state and federal emergency management agencies, etc.) and other public safety organizations.

Additionally, Long Beach's PAP fails to provide a method for determining when supplemental public awareness program enhancements will be implemented for each stakeholder audience pursuant to API RP 1162, Section 6.2.

Long Beach must amend its PAP to include all stakeholder audiences listed in API RP 1162 Section 3.2 and 3.3 and provide a method for determining when supplemental public awareness program enhancements will be implemented for each stakeholder audience pursuant to API RP 1162 Section 6.2.

2. § 192.616 - Public awareness.

(a) ...

(e) The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations...

Long Beach's written continuing public education program is inadequate to assure safe operation of a pipeline facility. Specifically, Long Beach's PAP failed to include stakeholders listed in § 192.616(e), including school districts and individual schools within the service area, affected municipalities (neighboring cities), non-customers and businesses (within and adjacent to the Long Beach service area), and other utility and pipeline companies (operating in the Long Beach service area).

Long Beach must amend its PAP to include all stakeholders listed in § 192.616(e).

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 Long Beach Gas & Oil maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Dustin Hubbard, Director, Western Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 5-2022-039-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

DUSTIN B HUBBARD

Digitally signed by DUSTIN B HUBBARD
Date: 2022.06.16 13:12:42 -06'00'

Dustin Hubbard
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*

cc: PHP-60 Compliance Registry
PHP-500 J. Dunphy (#21-230104)
Terrence Eng, Program Manager, Gas Safety and Reliability Branch, California Public
Utilities Commission