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

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 27 2005

Ms. Donita M. Harper, C.P.A.
Interim Director
Department of Public Utilities
City of Richmond
600 East Broad Street
Richmond, Virginia 23219

RE: CPF No. 1-2001-0002

Dear Ms. Harper:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It requires revision of certain emergency response procedures. When the amendment of procedures is completed, as determined by the Director, Eastern Region, this enforcement action will be closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely

James Reynolds
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, DC 20590

In the Matter of	
City of Richmond,	**CPF No. 1-2001-0002**
Respondent	

FINAL ORDER

Pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS) conducted an investigation of the October 21, 2001 incident involving Respondent's natural gas distribution pipeline adjacent to the residences at 2730-2734 Magnolia Road in the City of Richmond. As a result of the investigation, the Director, Eastern Region, OPS, issued to Respondent, by letter dated December 6, 2001, a Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. § 192.605 and proposed assessing a civil penalty of $25,000 for the alleged violation. The Notice also proposed that Respondent take certain measures to correct the alleged violation.

Respondent requested and was granted a 30 day extension to respond to the Notice. By letter dated February 14, 2002, Respondent contested the allegation and requested a hearing. Respondent responded to the Notice by letter dated May 1, 2002, which included an "Outline of Position of the City of Richmond, Virginia" (Response). The hearing was held on May 7, 2002, in Washington, DC. After the hearing, Respondent provided a "Post Hearing Memorandum" (Memo) on June 17, 2002.

Subsequent to the hearing, the Director, Eastern Region, OPS recommended the withdrawal of the allegations of violation but determined Respondent's procedures inadequate for responding to emergency leaks. Respondent's "Emergency Plan Gas Leakage Control" bound booklet ("manual") used to respond to emergencies and issued to Respondent's emergency personnel, contains procedures that are ambiguous and clearly inadequate for response to emergency leaks and to effectively deal with failures in such a manner that safeguards are provided for the general public.

What follows is a reconstruction of the events based on OPS reports and evidence provided at the hearing. On October 21, 2001, at approximately 9:05 p.m., Respondent's employee, a Department

of Public Utilities (DPU) Supervisor ("technician"), was dispatched to 2732 Magnolia Street in Richmond, Virginia (part of a Richmond Redevelopment Housing Authority project containing townhouse apartments) to investigate a report of a strong gas odor. According to the technician's signed statement, he arrived at 2732 Magnolia at 9:25 p.m. Members of Respondent's Fire Department and Police Department were already at the scene. When the technician got out of his truck, he smelled gas. A Fire Department lieutenant asked the technician his name and number. The lieutenant said he had been to the front porch of the building at 2732 Magnolia Street and smelled no gas. The lieutenant 'asked everyone to stay put.'

According to OPS' Pipeline Failure Investigation Report, the lieutenant showed the technician the location of escaping gas in Magnolia Street. The technician called for a couple of DPU assistants to respond to the scene. According to evidence provided at the hearing, the technician went to his truck and looked up the location of the gas main valves.

According to OPS' Gas Pipeline Safety Violation Report, the technician then drove to the corner of Magnolia and Bethel Streets and began shutting off the valves to isolate the gas from the leaking gas main.

Per OPS' Pipeline Failure Investigation Report, after shutting off two valves, the technician then got into his truck to go to the location of the last valve. As the technician was driving down Magnolia Street, the building at 2732 Magnolia Street exploded. The explosion occurred at approximately 10:00 p.m., according to the National Response Center's Incident Report.

As a result of the natural gas explosion, ten people went to area hospitals with injuries. Two were hospitalized, one in critical condition with second and third degree burns on more than 50% of her body. Three apartment buildings were destroyed in the blast. A subsequent investigation revealed a 360 degree circumferential crack in Respondent's 1958 6" diameter cast iron gas main pipeline. OPS' conclusion was that gas had migrated from the cracked pipe toward the buildings through the air and also through the dry clay soil. The cause of ignition of the gas was unknown.

Respondent's procedures for responding to emergency leaks are detailed in its "Emergency Plan Gas Leakage Control" bound booklet ("manual"). The manual, issued to Respondent's emergency personnel, states that it is ". . . reproduced from the Operations & Maintenance Plan (Volume I) and Procedures Manual (Volume II)."

In particular, Respondent procedures did not adequately detail corrective actions necessary to protect life and property, as Respondent neither properly determined the "perimeter of the leak area"[1] nor adequately assessed the danger to the public.

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[1]Under "Gas Leakage Control Procedures" (volume II, chapter 6) the following language appears:

V. LEAKAGE CLASSIFICATION AND ACTION CRITERIA

A. General

The leakage control program includes the following inspection provisions. Leaks located by these procedures shall be investigated promptly and any necessary repairs shall be made.

The following establishes a procedure by which leakage indications of flammable gas can be graded and controlled. *When evaluating any gas leak, or indication thereof, the initial step is to determine the perimeter of the leak area.* When this perimeter extends to a building wall, the investigation should continue into the building.
[Italics added.]

B. Leak Grades

Based on an evaluation of the location and/or magnitude of a leak, one of the following leak grades should be assigned, thereby establishing the leak repair priority.

Grade 1: A leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous. . .

Action Criteria - Requires *prompt action** to protect life and property and continuous action until the conditions are no longer hazardous.

* The prompt action in some instances may require one or more of the following:

a) Implementation of company emergency plan (192.615).
b) Evacuating premises
c) Blocking off an area.
d) Rerouting traffic
e) Eliminating sources of ignition.
f) Venting the area.
g) Stopping the flow of gas by closing valves or other means.
h) Notifying police and fire departments.

Examples

1) Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard.

4) Any reading at the outside wall of a building or where gas would likely migrate to an outside wall of a building. . .

7) Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.

Grade 1 Yellow Leak:

Definition: A Grade 1 leak that requires response from one or more of the appropriate fire, police, or other public officials. Any gas leaks which requires evacuation of buildings. . .

In addition to the above percentages [of Lower Explosive Limit], other factors, such as street and soil conditions, extent of spread and volumes, are to be used in arriving at a sound judgement in classifying a leak. [Italics in original.]

In addition, Respondent did not use an instrument such as a Combustible Gas Indicator (CGI) to determine if gas was present near the buildings. According to the Violation Report, the truck was equipped with a CGI and other equipment for use in determining a leak perimeter, but the technician did not use them. Moreover, the members of the Fire Department who responded to the scene were not equipped with these instruments.

Respondent neither evacuated the premises, eliminated the sources of ignition, nor vented the area as prescribed in the manual's table addressing Grade 1 Leaks (see footnote 1). The manual defines a Grade 1 leak as "[a] leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous."

In its Response, Respondent contended that its actions were "fully appropriate and reasonable under the circumstances." Both the Response and the Memo argued alternatively that: Respondent's manual required the technician to close the valves under the circumstances, and any attempt to evacuate the premises would have intruded into the Fire Department's responsibilities.

Respondent relied on those same arguments at the hearing. Several representatives from Respondent's DPU and Fire Department participated in the hearing. Neither the technician nor the lieutenant were present for the hearing, however.

The Memo argued that the technician was justified in choosing to close the valves as stopping gas flow is one of the "prompt actions" listed in the table of Grade 1 leaks.

The argument fails, however, because, not only does the manual specify that it is not intended to replace common sense[2], but it consistently requires that the employee on scene, as an initial measure,

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[2] The firstpage of the Emergency Plan/Gas Leakage Control booklet states the following:

> I. PURPOSE AND STATEMENT OF POLICY (192.615)
>
> The purpose of this plan is to establish procedures for effectively dealing with the failure of all or part of the system in such a manner that safeguards are provided for the general public and the utility's employees. These efforts will be directed toward maintaining continuity of gas service to the customer. In general, the objectives of this plan are to determine the emergency and estimate damage as soon as possible, and to react in a professional manner to reduce property damage and/or personal injury while restoring normal operating conditions. It is not intended that these procedures should replace common sense or personal judgement, but are intended as guidelines to be followed unless conditions require a different course of action. When necessary, any person may deviate from the established procedures to the extent necessary to safeguard life and property. When such deviation occurs, the responsible party shall be held accountable.
>
> It is the policy and practice of this system to respond promptly and effectively to emergency conditions which arise anywhere on its system. An emergency is commonly understood to mean an unforeseen combination of circumstances that calls for immediate action. For purposes of this plan, an emergency shall be defined as follows:
>
> 'An emergency is any condition on the system which results in property damage or personal injury, or which, if not corrected promptly and effectively, could result in property damage or personal injury.'

assess the danger to the public[3]. Using a CGI to determine the extent of the danger would necessarily be part of this.

In its Response, Respondent attempted to distinguish between emergency provisions and gas leakage control provisions in the Manual. The Response focused on a later section of "Emergency Plan/B. Emergency Procedures:

> 4. Responding to gas escaping, burning, and not burning.
>
> It is anticipated that efforts to restore normal pressure in an affected area will generally involve one of two situations:
>
> . . .
>
> a. Gas escaping and not burning.
>
> . . .If natural gas is escaping inside of, or in close proximity to, a building and source cannot be stopped, the building shall be cleared of its occupants and sources of ignition eliminated. . .

> It is impossible to establish a precise plan for every type of emergency that might occur, or to present a comprehensive plan in a concise manner which can be readily understood. However, guidelines can be established which will assist in classifying, investigating and correcting emergency conditions which may arise. This plan provides such guidelines.
>
> Any decision necessary to the functioning of the system during an emergency shall be based upon the following priorities:
>
> 1. Public and employee safety.
> 2. Protection of public and private property.
> 3. Continuity of gas service.
>
> Emergencies shall include situations resulting from natural disasters (earthquake, flood, tornado, hurricane, etc.), fires, explosions, civil disturbances, loss of natural gas supply, abnormal pressure conditions, asphyxiation, personal injuries, loss of life, property damage, large volumes of uncontrolled escaping gas, hazardous leaks, and any condition which may endanger safe operation of a major segment of the system.

Note: The reference to 192.615 above is to 49 C.F.R. § 192.615, entitled "Emergency plans." Subsection (a) of that section states: "Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum the procedures must provide for the following: . . .(3) Prompt and effective response to a notice of each type of emergency, including the following: (I) Gas detected inside or near a building. . .(5) Actions directed toward protecting people first and then property. . .(7) Making safe any actual or potential hazard to life or property. . ."

[3]Under "Emergency Plan[,] Emergency Procedures"(Volume I, Chapter 6), the following language appears under "III. EMERGENCY PROCEDURES B. Emergency Procedures":

> a. The first employee to arrive at the scene of a gas leak shall take corrective action necessary to protect life and property from danger.
>
> b. The procedures below describe a catastrophic condition, an extremely dangerous condition. . .
>
> c. The employee shall:
>
> 1. Assess danger to public, surrounding building occupants, and property,
>
> 2. If necessary, evacuate and/or assist all persons to safety. . .

The Response argued that this was the situation confronting the technician. Because it was possible to stop the source of the gas by closing valves, the argument goes, the technician was required to close the valves. Immediately preceding the language Respondent relies on, however, is a discussion about maintaining positive pressure and restoring the system to normal pressure "*[a]fter the scope, severity and the probable duration of an emergency has been determined.*" [Italics added.] The language relied upon by Respondent, therefore, does not support Respondent's position.

At the hearing, and in the Memo, Respondent argued that if the technician had had the time, he would have used the CGI to determine the perimeter of the leak area and whether the gas was migrating toward the building, and evacuated the premises. Respondent also insisted it would have taken at least 20 minutes to dig test holes, or "barholes," in conjunction with the proper use of the CGI.

The facts show that approximately 35 minutes passed between the time the technician arrived at 2732 Magnolia and the time it exploded. In that time, the technician could have used the CGI that he carried on his truck to ascertain the perimeter of the gas leak and the residents of 2732 Magnolia could have been evacuated. The technician's actions upon arrival at the scene were neither reasonable nor appropriate in the circumstances. By the time of his arrival, the technician had every reason to know that gas had been leaking for at least 20 minutes and that there was a chance of a gas buildup. When weighing inadequate procedures against common sense, in the face of danger, common sense outweighs inadequate procedures.

At some point after the explosion, the DPU personnel on scene took surface readings using a "flame pack." The readings revealed the presence of residual gas in the air.

Respondent did not dispute that the blown gas main constituted a Class 1 emergency. Neither the Response nor the Memo, however, discussed the manual's specific direction on what actions to take in the case of a Class 1 emergency.

The manual states the following regarding Class 1 emergencies:

Under "Emergency Plan[,] Emergency Procedures" (Vol. I, chapter 6), the following language appears under "III. EMERGENCY PROCEDURES A. Receiving, Identifying, and Classification of Emergencies":

> ****
>
> 3. Classification of an emergency
>
> . . .
>
> b. Classification of an emergency
>
> Any emergency which develops will be given an emergency classification by the Gas and Water Distribution Administrator or Designee. The applicable sections of these procedures shall be adhered to by all personnel for the duration of the emergency.

Class I Imminent threat to life and/or property. Demands immediate response and takes priority over all utility activities.

For example

1. Ruptured gas main or service line

****

4. Initial notification.

****

b. Notification of emergencies

. . .Should a Class I emergency occur, the following steps will be implemented by the supervisor in order to protect people and property from damage:

1. Notify the Gas and Water Distribution Administrator
2. Notify emergency response agencies and request that ambulance, fire department and police department personnel stand-by [sic] to respond as needed.
3. Evacuate affected buildings and instruct people not to operate electrical switches, either on or off.
4. Move the people a safe distance from the area until police arrive to assist.
5. Check confined areas and buildings for the presence of gas and ventilate as necessary.
6. Turn off gas supply meter stops to all affected units. Gas cannot be seen, nor can it be smelled unless treated with an odorant; often, though, a leak can be detected.

[Underlining in original.]

The Response insisted that the technician's hands were tied, however, once the lieutenant told the residents to stay put. Respondent invokes section 27-15.1 of the Code of Virginia for the proposition that any attempt by the technician to evacuate the residents of 2732 Magnolia would be in contravention of the lieutenant's directive to stay put. The Virginia state law states that "[a]ny person or persons refusing to obey the orders of the fire chief or his deputies or other officer in charge at the time [when answering alarm or operating at an emergency incident] shall be guilty of a Class 4 misdemeanor."

This law does not insulate Respondent, however, from its responsibilities vis-à-vis Respondent's unique knowledge of the risks, dangers, history and characteristics of its pipeline. Moreover, obeying the law is not inconsistent with following the manual. This further accentuates the need for Respondent to exchange information concerning responsibilities, resources, and capabilities with fire, police and other public emergency response officials to ensure an effective response to an emergency leak and to minimize hazards to life and property.

The Fire Department personnel who responded to the incident, including the lieutenant, were at a disadvantage. They did not know how to determine the perimeter of a gas leak. As stated in the Notice, "[t]he Fire Department that responded to the incident did not have instruments to determine the amount or explosive limits of gas in the ground or buildings." At the hearing it was revealed that the only test the firemen perform at the scene is the "smell test." Richmond Fire Department's hazmat team possesses a CGI. The team was not called to this incident.

The technician had 20+ years experience in gas pipelines, superior knowledge, and a CGI. He could have informed the lieutenant that the absence of a gas smell at a location is not a reliable indication that gas is not present, ascertained the perimeter of the leak , and communicated that information to the lieutenant for his consideration in handling the situation. The result could have been evacuation of the residents.

In accordance with 192.615, the manual provides for coordination with the Fire Department to make it aware of Respondent's resources and vice versa:

B. Liaison with Public Officials

1. Liaison shall be established with fire, police and civil defense officials with respect to emergency procedures.

2. Meetings shall be held with the appropriate officials to acquaint them with gas operator capabilities and procedures respecting gas emergencies and to learn the capability and responsibility of each government organization that may respond to an emergency.

3. Training sessions, as required, may be scheduled with fire, police and civil defense organizations to train them in the proper procedures to follow during a gas emergency.

According to the Response, "DPU has provided annual seminars with. . . Richmond's Fire Department" and those of three neighboring counties "that provide insight, based on recent experience, in responding to gas emergencies." In addition, at the hearing Respondent said three times a year it participates in meetings on response to gas emergencies.

Notwithstanding Respondent's participation in the seminars and events, it does not appear that Respondent's DPU and Fire Departments were coordinated for purposes of jointly responding to a gas emergency. Clearly, there is a void that can be filled by the Respondent's development, in conjunction with the Richmond Fire Department, a specific emergency protocol for responding to gas leaks, which takes into consideration aspects of natural gas, including odorant and migration, and the pipeline safety regulations, especially 49 C.F.R. § 192.615. According to the language in Respondent's own manual, a DPU supervisor is obliged to evacuate the residents in a Class 1 emergency.

The DPU technician that responded to the scene did not "assess the danger to [the] public," as required by the manual in responding to leaks outside, nor did he "take corrective action necessary to protect life and property from danger, as was alleged in the Notice. The manual is disjointed, with important information in different locations and ambiguous in regards what to do in the case of a leak, and particularly a leak that constitutes a Class 1 emergency.

At the hearing it was revealed that upon arrival at the scene neither the technician nor the lieutenant knocked on any doors or inquired of any residents whether they smelled gas. No one used gas detection equipment or ascertained the wind direction. In the Respondent's own words:

> When [the technician] arrived at the scene, there was a real Class I emergency. He was confronted with a huge gas leak referred to as a 'hard blow'–gas venting from the cracks in a gas main that, in fact, had buckled the asphalt in the street. No one knew where the gas was migrating. The one known matter was that the large quantities of gas being vented posed a hazard that required immediate action.

It is logical and reasonable for the technicians to first ascertain what they can about the emergency, using all the tools at their disposal. In contrast, the actions of the technician on October 21, 2001, spending approximately 30 minutes shutting off valves, was not, in the manual's words, "prompt action to protect life and property."

Respondent's "Emergency Plan Gas Leakage Control" bound booklet ("manual") used to respond to emergencies and issued to Respondent's emergency personnel, contains procedures that are ambiguous and clearly inadequate for response to emergency leaks and to effectively deal with failures in such a manner that safeguards are provided for the general public. Respondent argued that its actions were fully consistent with its manual. A manual that the Director, Eastern Region, OPS has effectively argued contains procedures that are inadequate, as they lack clear direction for prompt remedial action to protect life or property. Respondent's exact words were, "...the mandate of the DPU employees in the very situation they confronted on October 21 is to attempt to shut the gas flow off as a first priority," which it argues is fully consistent with its manual. Respondent further argued that, "the only reasonable course of action for DPU employees to have followed on October 21, 2001 was to attempt to shut the valves as the first order of business." "There is in particular no basis to conclude that such actions had any adverse impact on the public." These statements combined with the outcome on October 21, 2001 makes it clear that the Respondent's procedures are inadequate.

The fact that the Respondent contends shutting off the gas first was the most reasonable action rather than evacuate the residents and its position that acting otherwise "would have conflicted with the directive of the Fire Department," illuminates the determinations that Respondent's procedures are inadequate. Respondent's procedures do not clearly and consistently state that when there is any unplanned release of gas, the determination of gas migration and the protection of life and property are first priorities for every emergency described in the plan.

Respondent's manual Volume I, Chapter 6, Section IV, deals with employee training and other topics, it fails to provide a clear description and guidance for interaction and coordination of roles between the operator and government emergency response personnel. The procedures do not create an awareness between Respondent and emergency responders so that all recognize the need for the Respondent to conduct leak investigations at an emergency site up to, and inside of, buildings to determine possible gas migration.

Although a Class I emergency is defined and examples are listed as fire, explosion, and natural disaster in Respondent's "Emergency Plan[,] Emergency Procedures" (Vol. I, chapter 6), Section III, page 4, part b. Classification of Emergencies, the definition is vague. There is no instruction to check for gas migration and the protection of life and property as the primary action item for each type pf emergency. There is no reference to other mitigative action steps for a Class 1 emergency mentioned in the emergency plan, page 10-18. Likewise, the definitions of a Class II and Class III emergency are vague with no reference to other mitigative action steps.

While, Section III of Respondent's emergency procedures address employee actions when responding to leaks in a building and leaks outside, they fail to provide clear, consistent and sufficient detailed instructions to its personnel on how to assess the danger to the public, surrounding building occupants, and property. Section V provides examples of Grade1, Grade2, and Grade 3 leaks, but fails to make a connection between a Grade1, Grade 2, and Grade 3 leak and a Class I, II, or III emergency. The procedures are inadequate and disjointed as there is no connection or clarity between the action criteria in the leakage classification section and the action criteria in the emergency plan. Referencing the emergency plan for one action item under a Class I leak is not a sufficient instruction.

Respondent's procedures are vague with no detailed instructions for personnel evaluating a gas leak to determine if gas is migrating and if so, which action(s) to take to protect life and property. There is no reference to the emergency section of the O&M manual and no guidance for determining which action is the first priority - rerouting traffic, blocking off an area, notifying police and fire departments, etc. Accordingly, I find that Respondent's procedures are inadequate to ensure a safe response to emergency leaks.

The inadequacies in Respondent's manual of written procedures for emergency response, Emergency Plan and the Operating and Maintenance Plan, require amendment to fully comply with the requirements of 49 C.F.R. §§192.605(a) and by providing clear guidance for the roles between Respondent and the Richmond Fire Department that incorporate a specific emergency protocol for responding to gas leaks, which takes into consideration aspects of natural gas, including odorant and migration, and the pipeline safety regulations. Pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237, Respondent is ordered to make the following revisions to its procedures. Respondent must:

1. Amend your written emergency response procedures and plan to establish an effective liaison program with fire, police and other public emergency response officials to:

a. Exchange information concerning responsibilities, resources, and capabilities with fire, police and other public emergency response officials to ensure an effective response to an emergency leak and to minimize hazards to life and property;

b. Acquaint fire, police and other public emergency response officials with your planned response to an emergency leak;

c. Engage in and plan for mutual assistance with the Richmond Fire Department and coordinate a specific emergency protocol for responding to gas leaks, which takes into consideration aspects of natural gas, including odorant and migration, and the pipeline safety regulations, especially 49 C.F.R. § 192.615;

d. Identify the types of gas pipeline emergencies for which public emergency response officials will receive notification.

2. Amend your procedures to address emergency response training for Gas and Water Division personnel.

3. Amend your procedures to ensure that all employees and contractors with emergency response duties are adequately trained and carry proper identification before they assume these functions.

4. Amend your Emergency Plan and Operating Maintenance Plan to require that the location and extent of migrating gas be determined and include the specific leak detection equipment to be used when responding to the leak. In addition, the procedures must provide guidance and a detail description of the roles of your personnel and the Richmond Fire Department in the determination of the migration of gas and communication at the leak site.

5. Amend your procedures to include a review of appropriate National Transportation Safety Board (NTSB) accident investigation reports. Examples of appropriate NTSB reports would be those involving local distribution companies where the NTSB determined that the company's response needed improvement, or where company employees did not recognize the properties of gas, such as the tendency of gas odorant to dissipate when gas passes through the soil.

6. Amend your procedures to provide for a lessons-learned approach to emergency response activities, as required under 49 C.F.R. § 192.615(b)(3), to ensure that personnel will recognize, respond, and perform emergency procedures according to the City's operations and maintenance manuals.

7. Amend your procedures to provide for an effective channel of communication between the Fire Departments for the City of Richmond, Hanover County, Henrico County and Chesterfield County.

8. Submit the amended procedures for approval to the Eastern Regional Director, OPS within 90 days following receipt of this Order.

The Director, Eastern Region, OPS, may grant an extension of time for completion of any of the actions required herein upon receipt of a written request from the Respondent.

Failure to comply with the Amendment may result in the assessment of civil penalties of up to $100,000 per violation per day, or in the referral of the case for judicial enforcement.

Under 49 C.F.R. § 190.215, Respondent has a right to petition for reconsideration of this Final Order. The petition must be received within 20 days of Respondent's receipt of this Final Order and must contain a brief statement of the issue(s). All other terms of the order, including any required corrective action, shall remain in full effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective upon receipt.

Stacey Gerard
Associate Administrator
for Pipeline Safety

MAY 27 2005
Date Issued