

**April 26, 2016**

Mr. Robert Steidel  
Director  
City of Richmond  
Department of Public Utilities  
730 East Broad Street  
Richmond, VA 23219

**Re: CPF No. 1-2015-0011**

Dear Mr. Steidel:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and specifies actions that need to be taken by the City of Richmond to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Eastern Region, this enforcement action will be closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese  
Associate Administrator  
for Pipeline Safety

Enclosure

cc: Mr. Byron Coy, Director, Eastern Region, OPS  
Mr. Massoud Tahamtani, Director, Virginia State Corporation Commission, Division of  
Utility and Railroad Safety, P.O. Box 1197, Richmond, VA 23218-1197

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, D.C. 20590**

	)	
<b>In the Matter of</b>	)	
	)	
<b>City of Richmond, Virginia</b>	)	<b>CPF No. 1-2015-0011</b>
<b>a municipal corporation,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**FINAL ORDER**

On February 12, 2015, pursuant to 49 U.S.C. § 60117, a representative of the Virginia State Corporation Commission (VA SCC), acting as an agent of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of the City of Richmond (City or Respondent) in Richmond, Virginia. The City of Richmond’s system is a municipally-owned gas distribution system consisting of approximately 1,865 miles of main pipelines and 91,487 miles of service pipelines.<sup>1</sup>

As a result of the inspection, the Director, Eastern Region, OPS (Director), issued to Respondent, by letter dated September 3, 2015, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that the City had violated 49 C.F.R. § 192.725(b) and proposed ordering Respondent to take certain measures to correct the alleged violation.

The City responded to the Notice by letter dated December 17, 2015 (Response). The City did not contest the allegation of violation, but provided information concerning the corrective actions it had taken and submitted copies of its relevant procedures. Respondent did not request a hearing and, therefore, has waived its right to one.

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<sup>1</sup> See Pipeline Safety Violation Report (Violation Report), (July 16, 2014) (on file with PHMSA), at 1.

### **FINDING OF VIOLATION**

In its Response, the City did not contest the allegation in the Notice that it violated 49 C.F.R. Part 192, as follows:

**Item 1:** The Notice alleged that Respondent violated 49 C.F.R. § 192.725(b), which states:

**§ 192.725 Test requirements for reinstating service lines.**

(a) ....

(b) Each service line temporarily disconnected from the main must be tested from the point of disconnection to the service line valve in the same manner as a new service line, before reconnecting. However, if provisions are made to maintain continuous service, such as by installation of a bypass, any part of the original service line used to maintain continuous service need not be tested.

The Notice alleged that Respondent violated 49 C.F.R. § 192.725(b) by failing to test each service line temporarily disconnected from the main from the point of disconnection to the service line valve in the same manner as a new service line, before reconnecting. Specifically, the Notice alleged that the Respondent failed to pressure test two lines after each was installed prior to reconnecting the lines to the main. The Notice stated the lines were disconnected on May 13, 2014 and November 8, 2014, respectively, but pressure tests were not conducted on either line until after the VA SCC inspection on February 12, 2015.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.725(b) by failing to test two service lines that had been disconnected from the main prior to reconnecting.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

### **COMPLIANCE ORDER**

The Notice proposed a compliance order with respect to Item 1 in the Notice for violation of 49 C.F.R. § 192.725(b). Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. The Director has indicated that Respondent has taken the following action specified in the proposed compliance order:

1. With respect to the violation of § 192.725(b) (**Item 1**), Respondent has provided relevant portions of its Utility Natural Gas Procedures Manual and its City Operator Qualification (OQ) materials and training guides used to qualify personnel responsible for leak repairs and reinstating service on the City's service lines.

Accordingly, I find that compliance has been achieved with respect to this violation, in part. Therefore, a portion of the compliance terms proposed in the Notice for Item 1 are not included in this Order.

As for the remaining compliance terms, pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

1. With respect to the violation of § 192.725(b) (**Item 1**), Respondent shall conduct refresher training for all personnel responsible for leak repairs and reinstating service on City service lines.
2. The City shall submit documentation that training was completed to PHMSA Eastern Region within 180 days of receipt of this Final Order. The documentation shall include at minimum: name(s) of instructor(s), names of trainees, date(s) of training, and trainee signatures.
3. It is requested (not mandated), that Respondent maintain documentation of the safety improvement costs associated with fulfilling this Final Order and submit the total to Mr. Byron Coy, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration. It is requested these costs be reported in two categories: 1) total costs associated with preparation/revision of plans, procedures, studies and analyses; and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.

The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension.

Failure to comply with this Order may result in administrative assessment of civil penalties not to exceed \$200,000 for each violation for each day the violation continues or in referral to the Attorney General for appropriate relief in a district court of the United States.

The terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

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Jeffrey D. Wiese  
Associate Administrator  
for Pipeline Safety

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Date Issued