



U.S. Department  
Of Transportation  
Pipeline and  
Hazardous Materials  
Safety Administration

820 Bear Tavern Road, Suite 103  
West Trenton, NJ 08628  
609.989.2171

**NOTICE OF PROBABLE VIOLATION  
and  
PROPOSED COMPLIANCE ORDER**

**OVERNIGHT EXPRESS DELIVERY**

September 03, 2015

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

**CPF 1-2015-0011**

Dear Mr. Steidel:

On February 12, 2015, an inspector from the Virginia State Corporation Commission (VA SCC) acting as Agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected the City of Richmond's (City) pipeline facilities in Richmond, Virginia.

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

1. **§192.725 Test requirements for reinstating service lines.**

**(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 City failed on two occasions to pressure 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 (City leak records # 576549 & #575860):

1. City leak record 576549: The VA SCC inspector found that there is no documentation of the performance of a pressure test on one foot of one inch plastic pipe which was installed 11-8-14 to remediate a leak at 308 West Marshall Street, Richmond.
2. City Leak Record 575860, The VA SCC inspector found that there is no documentation of the performance of a pressure test on one and a half feet of one inch plastic pipe which was installed 5-13-14 to remediate a leak at 9468 Creek Summit Circle, Richmond.

The issues were not corrected until after the VA SCC inspection on 2-12-2015.

This violation is a repeat violation of CPF 1-2011-0001, item 2, a warning item.

Evidence is based on the VA SCC Notice of Investigation (NOI) to the City, City leak records, and the City

response to the VA SCC NOI.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a related series of violations.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to propose a civil penalty assessment at this time.

With respect to item 1 pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to The City of Richmond, Virginia. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Response to this Notice

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). 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 a Final Order.

Please submit all correspondence in this matter to Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628. Please refer to **CPF 1-2015-0011** on each document you submit and please, whenever possible, provide a signed PDF copy in electronic format. Smaller files may be emailed to [Byron.Coy@dot.gov](mailto:Byron.Coy@dot.gov). Larger files should be sent to the Eastern Region Office on a CD or flash drive, accompanied by the original signed paper copy.

Additionally, if you choose to respond to this (or any other case), please ensure that any response letter pertains solely to one CPF case number.

Sincerely,

Byron Coy, PE  
Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration

Enclosures: *Proposed Compliance Order*  
*Response Options for Pipeline Operators in Compliance Proceedings*

Cc: Mr. Massoud Tahamtani, VA SCC  
Mr. Jim Fisher, VA SCC

## **PROPOSED COMPLIANCE ORDER**

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to The City of Richmond Virginia (City) a Compliance Order incorporating the following remedial requirements to ensure the compliance of the City with the pipeline safety regulations:

1. In regard to Item Number 1 of the Notice, the City's failure on two occasions to pressure 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. The City shall ensure that all personnel tasked with reinstating City service lines understand that once a service line is disconnected, the service line must be tested in the same manner as a new service line. This task is to be accomplished by:
  - a. The City shall review/revise its operations and maintenance (O&M) procedures / Operation Qualification (OQ) materials, and training guides used to qualify personnel responsible for leak repairs/reinstating service on City service lines
  - b. The City shall conduct refresher training for all personnel referenced in item 1.
2. The City shall submit documentation that training was completed to PHMSA Eastern Region within 180 days receipt of the Final Order. The documentation shall include as a minimum: name of instructor(s), names of trainees, date(s) of training, and trainee signatures.
3. It is requested (not mandated) that the City maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Byron Coy, PE, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration.