

## WARNING LETTER

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 5, 2013

Mr. Jim Benning  
Director  
City of Duluth Public Works and Utilities  
City Hall  
411 West 1st Street  
Duluth, Minnesota 55802

**CPF 3-2013-1003W**

Dear Mr. Benning:

On November 13-14, 2012, representatives of the Minnesota Office of Pipeline Safety (MNOPS) acting as an interstate agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected your records and pipeline facilities in Duluth, Minnesota.

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

**1. §192.491 Corrosion control records.**

**(c) Each operator shall maintain a record of each test, survey, or inspection required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist. These records must be retained for at least 5 years, except that records related to §§192.465(a) and (e) and 192.475(b) must be retained for as long as the pipeline remains in service.**

The City of Duluth was not recording the results of the inspection of their insulation kits installed at the interconnect between the City's interstate and intrastate system.

Review of the cathodic protection records found that the City of Duluth corrosion personnel were not documenting the results of the insulation test. Testing of electrical

isolation is a requirement of §192.467(d) and shall be documented to demonstrate compliance. Furthermore, the city's O&M procedure section 09.07 titled "Electrical Isolation" requires that the results be documented.

**2. §192.745 Valve maintenance: Transmission lines.**

**(a) Each transmission line valve that might be required during any emergency must be inspected and partially operated at intervals not exceeding 15 months, but at least once each calendar year.**

The City of Duluth did not inspect the mainline valve at the Great Lakes Gas Transmission tap within the required 15 months between 2011 and 2012.

The transmission line valve record reviewed for Transmission Valve 09724 found that the last time the valve was inspected was on June 15, 2011. As of the MNOPS inspection, the valve had not been inspected. The City of Duluth provided follow-up information to MNOPS after their inspection indicating that the valve was inspected by the City of Duluth on November 15, 2012.

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 conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the item(s) identified in this letter. Failure to do so will result in City of Duluth being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 3-2013-1003W**. 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).

Sincerely,

David Barrett  
Director, Central Region  
Pipeline and Hazardous Materials Safety Administration

cc: Minnesota Office of Pipeline Safety