

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 30, 2013

Mr. Mike Bogemill
Maintenance Manager
Mission Hills Condominium Association
1401 Mission Hills Blvd.
Clearwater, FL 33759

CPF 2-2013-0008W

Dear Mr. Bogemill:

On March 20, 2013, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Southern Region, Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code, inspected the Mission Hills Condominiums master meter and downstream piping and facilities at 1401 Mission Hills Blvd., Clearwater, Florida.

As a result of the inspection, it appears that Mission Hills Condominiums has committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violations are as follows:

1. **§192.457 External corrosion control: Buried or submerged pipelines installed before August 1, 1971.**
 - b) **Except for cast iron or ductile iron, each of the following buried or submerged pipelines installed before August 1, 1971, must be cathodically protected in accordance with this subpart in areas in which active corrosion is found:**
 - (3) **Bare or coated distribution lines.**

Mission Hills Condominiums installed over 2 miles of coated steel distribution lines before August 1, 1971, but it has not cathodically protected these lines. Moreover, Mission Hills Condominiums did not present to the PHMSA inspector any records to demonstrate that there are no areas of active corrosion on these lines. The methods and required time intervals an operator must use to determine if areas of active corrosion exist on its pipelines are described in §192.465(e).

2. §192.625 Odorization of gas.

... (f) To assure the proper concentration of odorant in accordance with this section, each operator must conduct periodic sampling of combustible gases using an instrument capable of determining the percentage of gas in air at which the odor becomes readily detectable. Operators of master meter systems may comply with this requirement by-

- (1) Receiving written verification from their gas source that the gas has the proper concentration of odorant; and**
- (2) Conducting periodic "sniff" tests at the extremities of the system to confirm that the gas contains odorant.**

Mission Hills Condominiums did not present to the PHMSA inspector any records to demonstrate that it had assured the proper concentration of odorant in its pipeline system by receiving written verification from its gas source that the gas has the proper concentration of odorant or by conducting periodic "sniff" tests at the extremities of the system to confirm that the gas contains odorant.

3. §192.747 Valve maintenance: Distribution systems.

- (a) Each valve, the use of which may be necessary for the safe operation of a distribution system, must be checked and serviced at intervals not exceeding 15 months, but at least once each calendar year.**
- (b) Each operator must take prompt remedial action to correct any valve found inoperable, unless the operator designates an alternative valve.**

Mission Hills Condominiums did not present to the PHMSA inspector any records to demonstrate that it had checked and serviced its shut off (or key valve) which may be necessary for the safe operation of its distribution system at intervals not exceeding 15 months, but at least once each calendar year.

Under 49 United States Code, § 60122, Mission Hills Condominiums is 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 items identified in this letter. Failure to do so will result in Mission Hills Condominiums 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 2-2013-0008W. 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,

Wayne T. Lemoi
Director, Office of Pipeline Safety
PHMSA Southern Region