



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 CIVIL PENALTY**

**UPS OVERNIGHT DELIVERY**

May 2, 2013

Robert Steidel  
Director, City of Richmond  
Department of Public Utilities  
730 East Broad Street, 6<sup>th</sup> floor  
Richmond, VA 23219

**CPF 1-2013-0001**

Dear Mr. Steidel:

On December 8, 2011, 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 probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The item inspected and the probable violation is:

**1. § 192.605 Procedural manual for operations, maintenance, and emergencies.**

**(a) *General.* Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.**

The City failed to follow its *Operation and Maintenance (O&M) Procedure, II. 3. VII. Section III. A. Squeeze-Off Tool Operation* by not installing two saddle clamps on a squeeze-off tool as required by the manufacturer's instructions.

The City's *Operation and Maintenance (O&M) Procedure, II. 3. VII. Section III. A Squeeze-Off Tool Operation*, states that "Before using any squeeze tool, the operator must be familiar with its construction, operation, and design features....The operator should assure that the tool is in good working order and operating in accordance with the manufacturer's instructions." [A1]

The City's contractor was working on its 6 inch diameter main located at the intersection of Glenside Drive and Fernwood Street, Henrico County, Virginia. On December 8, 2011, there was an uncontrolled release of gas from this main.

The VA SCC was notified of the unintended release on December 8, 2011, and they conducted an on-site investigation that same day. During the investigation, the VASCC conducted interviews with the Contractor foreman and with the City of Richmond inspector. During the interviews it was discovered that the Contractor failed to install the two saddle clamps as required by the Manufacturer's instructions. The VA SCC documented their findings to the City in a Notice of Investigation (NOI) letter dated December 27, 2011. The City responded to the NOI by letter dated January 10, 2012. In this letter, the City stated that "We agree with your description of this finding. The failure to install the two saddle clamps on the squeeze-off tool was the root cause of this event." Also, the City confirmed that the contractor "used only one saddle clamp."

The Manufacturer's instructional training video on the use of the PES8H Polyethylene Squeeze-off tool indicates that two saddle clamps are required when using this tool. The Contractor did not do this.

As such, the City failed to follow its *Operation and Maintenance (O&M) Procedure, II. 3. VII. Section III. A. Squeeze-Off Tool Operation* by not installing two saddle clamps on a squeeze-off tool as required by the manufacturer's instructions.

Proposed Civil Penalty

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. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation and has recommended that you be preliminarily assessed a civil penalty of \$33,700 as follows:

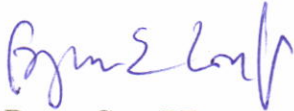
<u>Item number</u>	<u>PENALTY</u>
1	\$33,700

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. All material submit in response to this enforcement action may be 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.

In your correspondence on this matter, please refer to **CPF 1-2013-0001** and for each document you submit, please provide a copy in electronic format whenever possible, 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 on a CD accompanied by the original paper copy to the Eastern Region Office.

Sincerely,



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

Cc: James Hotinger, VA SCC

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*