



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

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

WARNING LETTER

EXPRESS OVERNIGHT MAIL

July 12, 2013

Robert Steidel, Director
City of Richmond, DPU
730 East Broad Street,
Richmond, VA 23219

CPF 1-2013-0002W

Dear Mr. Steidel:

On November 16, 2011 an inspector from the Virginia State Corporation Commission (VA SCC) acting as Agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the City of Richmond's (City) pipeline facilities in Richmond, VA.

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 violations are:

1. **§ 192.721 Distribution systems: Patrolling.**
 - (b) **Mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled—**
 - (1) **In business districts, at intervals not exceeding 4-1/2 months, but at least four times each calendar year; and**

The City failed to patrol mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage in business districts, at intervals not exceeding 4 1/2 months, but at least four times each calendar year.

During the inspection, records were reviewed. It was discovered that the exposed main located at 11th and Canal streets in Richmond, VA had not been inspected as required by §192.721(b)(1). From March 2005 through June 2011, the City failed to patrol on 24 occasions at intervals not exceeding 4-1/2 months.

This main was installed in March 2005. The first patrol performed was on June 6, 2011. The number of occasions is based on missing 3 inspections in 2005, 4 in each year from 2006 through 2010, and 1 in 2011.

2. § 192.481 Atmospheric corrosion control: Monitoring.

(a) Each operator must inspect each pipeline or portion of pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion, as follows:

If the pipeline is located:	Then the frequency of inspection is:
Onshore	At least once every 3 calendar years, but with intervals not exceeding 39 months

The City failed to inspect each pipeline or portion of pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion at least once every 3 calendar years, but with intervals not exceeding 39 months.

During the inspection, it was discovered that the exposed main located at 11th and Canal Streets in Richmond, VA had not been inspected for atmospheric corrosion as required by §192.481(a).

This main was installed in March 2005. The first atmospheric corrosion inspection was performed on June 6, 2011.

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 the City 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 1-2013-0002W** 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. Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

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,



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

Cc: James Hotinger, VA SCC