



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

820 Bear Tavern Road, Suite 306  
West Trenton, NJ 08628  
**609.989.2171**

**NOTICE OF PROBABLE VIOLATION  
and  
PROPOSED CIVIL PENALTY**

**EXPRESS OVERNIGHT MAIL**

May 06, 2010

Mr. Christopher L. Beschler  
Director Department of Public Utilities  
Deputy Chief Administrative Officer  
City of Richmond  
Department of Public Utilities  
730 East Broad Street, 6<sup>th</sup> Floor  
Richmond, VA 23219

**CPF 1-2010-0001**

Dear Mr. Beschler:

Between March 26 and May 27, 2009, a State 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 your 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. §192.375 Service lines: Plastic.**

**(a) Each plastic service line outside a building must be installed below ground level, except that –**

**(2) It may terminate above ground level and outside the building, if-**

**(i) The above ground level part of the plastic service line is protected against deterioration and external damage;**

The City of Richmond (City) failed to install a plastic service line in a manner to protect the above ground level part of the plastic service line from deterioration and external damage at lots 20 & 21 on Ginter Street in Henrico County, Virginia.

On March 26, 2009, the VA SCC inspector performed a site visit on Ginter Street in Henrico County and found two "stubbed up" plastic gas services located above ground on lots 20 & 21. Two City representatives arrived at the site and confirmed that both of the above ground plastic service stubs were pressurized with natural gas.

The VA SCC inspector took photographs during the site visit, and observed the condition of the service stubs.

**2. §192.303 Compliance with specifications or standards.**

**Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.**

On April 28, 2009, the VA SCC inspector observed a City contractor failing to use a weak link (as required by City O&M procedure Volume II, Chapter 3, Section II), while in the process of pulling 2 inch plastic pipe through a directionally drilled bore hole. The City contractor was constructing a gas main on Cottrell Road in Henrico County, VA. The VA SCC inspector immediately notified City representatives of this finding. The subject section of plastic pipe was removed. The following day a new section of plastic pipe was installed using the required weak link in the pulling process.

The VA SCC inspector took photographs during the site visit, and observed the condition of the plastic pipe installation process. The VA SCC inspector also witnessed the new installation on April 29, 2009.

**3. §192.285 Plastic pipe: Qualifying persons to make joints.**

**(c) A person must be requalified under an applicable procedure, if during any 12-month period that person:**

**(1) Does not make any joints under that procedure; or**

On May 9, 2009, the VA SCC inspector observed a City contractor using two unqualified individuals to install mechanical joints on plastic pipe. The contractor crew was working at 133 Belt Blvd, in the City of Richmond on that date. The unqualified individuals' joining cards had expired as of September 18 and 19, 2008, respectively. These findings were brought to the attention of City representatives, and the fittings were promptly removed and re-installed by a qualified individual.

The VA SCC inspector took photographs during the site visit, and checked the qualification cards of the individuals installing the mechanical joints.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violations and has recommended that you be preliminarily assessed a civil penalty of \$49,700 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$49,700

Warning Items

With respect to items 2 and 3, 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.

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.

In all your correspondence on this matter, please refer to **CPF 1-2010-0001** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

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

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

cc: Jim Hotinger, VA SCC