



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

OVERNIGHT EXPRESS DELIVERY

September 28, 2015

Ms. Lauren Hildebrand
Public Utilities Manager
City of Charlottesville
305 4th Street NW
Charlottesville, VA 22903

CPF 1-2015-0013W

Dear Ms. Hildebrand:

On June 30, 2015, 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 Charlottesville's (City) pipeline facilities in Charlottesville, Virginia.

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 is:

1. § 192.361 Service lines: Installation

(b) Support and backfill. Each service line must be properly supported on undisturbed or well-compacted soil, and material used for backfill must be free of materials that could damage the pipe or its coating.

The City failed to use material for backfill that was free of materials that could damage the pipe.

On June 30, 2015, the VA SCC inspected the new HDPE plastic service line installation at 2245 Seminole Lane, Charlottesville, Virginia. The VA SCC inspector observed that the ½ inch diameter service line installed by the City was backfilled with fill containing rocks. The VA SCC inspector requested that the City expose the entire 27 foot length of the new service line. The VA SCC inspector found that rocks were resting directly against the new line, and that the line was not bedded or padded to protect it from the rocky soil conditions.

Subsequently, the City appropriately bedded and padded the line with rock dust.

Evidence is based on VA SCC Notice of Investigation (NOI) to the City, and City response to

the VA SCC NOI.

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, please address your correspondence to: Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628 and please refer to **CPF 1-2015-0013W**. 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).

Additionally, if you choose to respond to this (or any other case), please ensure that any response letter pertains solely to one CPF case number.

Sincerely,

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

Cc: Mr. Massoud Tahamtani, VA SCC
Mr. Jim Fisher, VA SCC