

## WARNING LETTER

### OVERNIGHT EXPRESS DELIVERY

January 11, 2016

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

**CPF 1-2016-0001W**

Dear Ms. Hildebrand:

On June 11, 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 (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 item inspected and the probable violation is:

**1. §192.805 Qualification program.**

**Each operator shall have and follow a written qualification program. The program shall include provisions to:**

**(a) . . .**

**(b) Ensure through evaluation that individuals performing covered tasks are qualified;**

The City failed to ensure through evaluation that individuals performing covered tasks are qualified.

During the inspection on June 11, 2015, the VA SCC inspector observed a City employee performing the following covered tasks:

1. Joining Plastic Pipe by Fusion (PEF 1425 and 1426)
2. Purgings of Pipelines (PEF 1414 and 1418)

VA SCC checked the City's Incomplete Qualification Report dated 6/11/2015, which indicated that the City employee's certification for the tasks referenced above had expired on 12/7/2014

and 12/8/2014, respectively. In their response to the VA SCC Notice of Investigation, the City stated that “Charlottesville does not contest these findings.”

Evidence is based on VA SCC Notice of Investigation (NOI) report to the City, and City responses 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 1-2016-0001W**. 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