



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 MAIL

December 09, 2013

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

CPF 1-2013-0007W

Dear Ms. Hildebrand:

Between January 23, 2012 and December 13, 2012, State inspectors 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 Charlottesville, VA.

As a result of the inspection, it appears that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violation is:

1. § 199.1 Scope.

This part requires operators of pipeline facilities subject to part 192, 193, or 195 of this chapter to test covered employees for the presence of prohibited drugs and alcohol.

The City of Charlottesville, VA (City) failed to verify that covered employees have been tested for the presence of prohibited drugs and alcohol. Specifically, the City did not verify that personnel responsible for maintaining the pressure control and over pressure protection equipment that was specifically placed to protect the City's pipeline facilities in Free Union, Virginia, were covered under an approved drug and alcohol program. The associated equipment and maintenance personnel are provided by the City's gas supplier, Columbia Gas Transmission.

PHMSA Eastern Region is aware of, and has reviewed, VA SCC and City correspondence in late 2012 addressing the drug and alcohol testing issue.

2. § 192.805 Qualification program.

(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. Specifically, the City did not verify that personnel responsible for maintaining the pressure control and over pressure protection equipment that was specifically placed to protect the City's pipeline facilities in Free Union, Virginia, were covered under an approved OQ plan. The associated equipment and maintenance personnel are provided by the City's gas supplier, Columbia Gas Transmission.

PHMSA Eastern Region is aware of, and has reviewed, VASCC and City correspondence in late 2012 addressing the operator qualification issue.

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 identified in this letter. Failure to do so will result in City of Charlottesville 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 1-2013-0007W**. 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