



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

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

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

OVERNIGHT EXPRESS DELIVERY

February 6, 2017

David Charlson
Senior Vice President, Operations
Inland Corporation
4041 Market Street
Aston, PA 19014-3197

CPF 1-2017-5003

Dear Mr. Charlson,

On October 14-15, 2015, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected your Middle Branch Nimishillen Creek integrity replacement of line segment 13224 SUFF-CNTN-5 in Canton, OH.

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 item inspected and the probable violation is:

§195.248 Cover over buried pipeline.

(a) Unless specifically exempted in this subpart, all pipe must be buried so that it is below the level of cultivation. Except as provided in paragraph (b) of this section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or underwater natural bottom (as determined by recognized and generally accepted practices), as applicable, complies with the following table:

Location	Cover inches
	For normal excavation
Industrial, commercial, and residential areas	36

Inland Corporation (Sunoco) failed to bury the pipeline so that it is below the level of cultivation. Specifically, Sunoco replaced a portion of an existing steel pipeline without providing the minimum 36 inches of cover between the top of the pipe and the ground.

On October 13, 2015, Sunoco replaced a portion of line segment 13224 SUFF-CNTN-5, located under a portion of Middle Branch Nimishillen Creek in Canton, Ohio, with a 17 foot long segment of 6 inch NPS, 0.280 inch wall thickness, X-52M pipe.

On October 14, 2015, the PHMSA inspector reviewed records for the replacement of the 17 foot pipe segment, including photographs of the work site from the previous day. The PHMSA inspector asked Sunoco "what was the final depth of cover over the pipe." Sunoco's Staff Pipeline Engineering/ Project Manager stated that the new pipe segment was backfilled to a depth of cover of 14 inches. The PHMSA inspector informed Sunoco that the depth of cover did not meet the requirements of §195.248(a).

Subsequently, Sunoco developed a remediation plan to achieve the minimum cover of 36 inches. The remediation plan, which included at least 14 inches clean fill and native soil with at least 22 inches of mixed size rip-rap stone for stream bed stabilization, was implemented on October 15, 2015.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$205,638 per violation per day the violation persists up to a maximum of \$2,056,380 for a related series of violations. For violations occurring between January 4, 2012 to August 1, 2016, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$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 maximum penalty not to exceed \$1,000,000 for related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation(s) and has recommended that you be preliminarily assessed a civil penalty of \$55,200 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$55,200

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. All material submit in response to this enforcement action may be 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 your correspondence on this matter, please refer to **CPF 1-2016-5003** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



Robert Burrough
Acting Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

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