U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628
609.771.7800

WARNING LETTER

OVERNIGHT EXPRESS DELIVERY

October 5, 2018

Ms. Lauren Hildebrand
Director of Utilities
City of Charlottesville
304 4th Street N.W.
Charlottesville, VA 22903

CPF 1-2018-0004W

Dear Ms. Hildebrand:

On January 8, 2018, an inspector from the Virginia State Corporation Commishion (VA SCC), acting as an agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected the City of Charlottesville's (City) procedures in Charlottesville, VA.

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

1. **§ 192.273 General**

   (b) Each joint must be made in accordance with written procedures that have been proven by test or experience to produce strong gastight joints.

The City failed to make each joint in accordance with written procedures that have been proven by test or experience to produce strong gastight joints. Specifically, the City failed to perform a socket fusion in accordance with its *Operation & Maintenance Manual, Revised 5/11/16* (Procedure).

During the inspection, the VA SCC inspector reviewed the City's Procedure. The Procedure stated in part: (Chapter III, Part D)

"Section 4 'Socket Fusion Procedure (up to and including 4")

...k) *Within 3 seconds after the heating tool has been removed, firmly push the melted fitting squarely onto the pipe until it makes contact with the cold ring clamp.*

DO NOT TWIST

Hold the fitting firmly in place for the recommended cooling time found on the manufacturer's fusion time cycle card. After waiting the additional 3 minutes cooling time, remove the cold ring clamp and inspect the joint."

The VA SCC inspector witnessed the City install a new service stub to Lot 9 Varick Street in Charlottesville, VA. During installation of the socket fusion dead end, the City failed to follow the Procedure by removing the cold ring clamp after approximately 30 seconds, not meeting the required 3 minutes of cooling time.

The VA SCC issued a Notice of Investigation (NOI) to the City on January 16, 2018. In its response to the NOI on January 24, 2018, the City did not dispute the proposed violation and identified additional measures it has taken to prevent reoccurrence of the violation.

Therefore, the City failed to make each joint in accordance with written procedures, as required by § 192.273(b).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed $209,002 per violation per day the violation persists, up to a maximum of $2,090,022 for a related series of violations. For violations occurring prior to November 2, 2015, 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. 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 City of Charlottesville being subject to additional enforcement action.

Please 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).

No reply to this letter is required. If you choose to reply, please submit all correspondence in this matter to Robert Burrough, Director, PHMSA Eastern Region, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. Please refer to **CPF 1-2018-0004W** on each document you submit, and whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to robert.burrough@dot.gov. Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

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