

WARNING LETTER

VIA E-MAIL TO MR. BRENT CLARK

June 4, 2020

Mr. Brent Clark
Clark & Sons Contracting Corporation
1457 E. Mission Blvd
Pomona, CA 91766

CPF 5-2020-0007E

Dear Mr. Clark:

On August 28, 2019, through September 5, 2019, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), investigated the excavation activities conducted by Clark & Sons Contracting Corporation on May 31, 2019, which resulted in a release of natural gas from a pipeline operated by the Southern California Gas Company, located at the intersection of Bain Street and Union Street in Jurupa Valley, California.

Based on the investigation, it is alleged that you have committed a probable violation of Part 196 of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item investigated and the probable violation is:

- 1. §196.103 What must an excavator do to protect underground pipelines from excavated related damage?**

Prior to and during excavation activity, the excavator must:

(c) Excavate with proper regard for the marked location of pipelines an operator has established by taking all practicable steps to prevent excavation damage to the pipeline.

Prior to and during excavation activity, Clark & Sons Contracting Corporation did not excavate with proper regard for the marked location of the pipeline because it did not take all practicable steps to prevent excavation damage to the pipeline. Specifically, the excavator did not verify the depth of the pipeline prior to excavation activity and used grading techniques that obscured the marked location of the pipeline. As a result, the 10-inch gas line was struck and damaged, causing a gas release.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018, and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022. 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. We advise you to correct the item identified in this letter. Failure to do so will result in Clark & Sons Contracting Corporation 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 5-2020-0007E**. 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,

Dustin Hubbard
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry
PHP-500 T. Finch (#167956)