

WARNING LETTER

OVERNIGHT EXPRESS DELIVERY

September 26, 2023

Mr. Jason Grey
Director of Utilities
City of Danville
1040 Monument Street
Danville, Virginia 24540

CPF 1-2023-058-WL

Dear Mr. Grey:

From March 14, 2023, to July 10, 2023, an inspector from the Virginia State Corporation Commission, Division of Pipeline Safety (VA SCC), acting as Agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected procedures and installation of a service line located along Westover Drive, in Danville, VA operated by the City of Danville (City).

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 item inspected and the probable violation is:

1. § 192.605 Procedural manual for operations, maintenance, and emergencies.

(a) *General.* Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

During the inspection, VA SCC observed the installation of a service pipe along Westover Dr., Danville, Virginia. The service line did not have a minimum separation between the natural gas pipe and another underground pipe, a private sewer lateral, as required per the City's procedure. However, the Construction Services procedure provided inconsistent direction on the minimum required separation.

Construction Services procedure stated in part:

“5.3 Cover and Clearance

The service pipe shall be installed.... A twelve (12) inch minimum clearance above and below any existing underground obstruction shall be maintained during the installation. ...

...

5.6.3 Lowering and Laying

Polyethylene pipe shall

All pipe shall be installed to fit the trench without the use of external forces to hold it in place until the backfill is complete. There shall be at least six (6) inches of clearance between the pipe and any other underground structure. ...”

After VA SCC brought the concern to the City's attention, the City remediated the installation. The City provided 9-inches of separation between the service and the underground structure since there was not a concern that a sewer lateral would be a source of heat.

Therefore, the City failed to follow its Construction Services written procedures in accordance with § 192.605(a).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$257,664 per violation per day the violation persists, up to a maximum of \$2,576,627 for a related series of violations. For violation occurring on or after March 21, 2022, and before January 6, 2023, the maximum penalty may not exceed \$239,142 per violation per day the violation persists, up to a maximum of \$2,391,142 for a related series of violations. For violation occurring on or after May 3, 2021, and before March 21, 2022, the maximum penalty may not exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violation occurring on or after January 11, 2021, and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violation occurring on or after July 31, 2019, and before January 11, 2021, the maximum penalty may not 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.

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 Danville 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 1-2023-058-WL**. 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,

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