

WARNING LETTER

OVERNIGHT EXPRESS DELIVERY

April 23, 2024

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

CPF 1-2024-027-WL

Dear Mr. Grey:

Between January 23, 2024 and February 22, 2024, 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 the City of Danville's (City) pipeline construction of a four-inch plastic main located near 90 Vandola Road, Danville, Virginia.

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. **§ 192.285 Plastic pipe; qualifying persons to make joints.**
 - (a) **No person may make a plastic pipe joint unless that person has been qualified under the applicable joining procedure by:**

The City failed to ensure that no person may make a plastic pipe joint unless that person has been qualified under the applicable joining procedures. Specifically, The City failed to ensure that a person making a butt fusion joint on a four-inch plastic pipe main was qualified.

During the inspection, the VA SCC inspector observed a four-inch plastic main being joined. The inspector reviewed the qualification record of the individual making the joint (Joining Qualification). The Joining Qualification record showed that the individual was not qualified.

After VA SCC brought the concern to the City's attention, the City remediated the installation by cutting out the fusion. The City provided a Fusion Safety and Procedures training session. The City

also implemented a protocol for the City's project inspector to verify qualifications on construction projects and hold meeting with new crew members.

Therefore, the City failed to ensure that no person makes a plastic pipe joint unless qualified, as required by § 192.285(a).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$266,015 per violation per day the violation persists, up to a maximum of \$2,660,135 for a related series of violations. For violation occurring on or after January 6, 2023 and before December 28, 2023, the maximum penalty may not 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.

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 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 1-2024-027-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