

WARNING LETTER

VIA ELECTRONIC MAIL TO: bustaja@danvilleva.gov

August 14, 2025

Mr. Jeff Bustamante
Director of Water and Gas
City of Danville
City of Danville Utilities, Water & Gas Division
1040 Monument Street
Danville, Virginia 24541

CPF 1-2025-032-WL

Dear Mr. Bustamante:

On August 29, 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.), conducted an inspection of the City of Danville's (City) pipeline near 161 New Street in 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. § 192.805 Qualification program.

Each operator shall have and follow a written qualification program.

The program shall include provisions to:

(a) ...

(b) Ensure through evaluation that individuals performing covered tasks are qualified;

The City failed to ensure through evaluation that individuals performing covered tasks are qualified. Specifically, the City permitted an individual to perform a covered task despite the fact that they were no longer qualified to perform that task as required by section 192.805(b).

During the inspection on August 29, 2024, the VA SCC inspector observed a City crew that had just completed abandonment of a service line. This abandonment involved purging the service

line out-of-service, which is a covered task within the City's *Natural Gas Operator Qualification Plan* (05/20/2024) (OQ Plan). The required covered task for this work in the OQ Plan is titled "ASME-1651 Purging of Flammable or Inert Gas" (ASME 1651).

At the time of inspection, the City was unable to provide records demonstrating that the individual who performed the purge held a current ASME-1651 qualification. Following the inspection, the City provided the individual's qualification record for task ASME-1651, which demonstrated the qualification was last earned on January 24, 2020.

OQ Plan, Section 4.4 addresses evaluating individuals who perform covered tasks and states, in part: "Following the initial evaluation and qualification, each individual performing Covered Tasks on the City's system shall be required to be re-evaluated at specific intervals. The methods and means for re-evaluation must be passed and documented within the re-evaluation interval period specified in Appendix D."

OQ Plan, Appendix D identifies training and a knowledge test as the required re-evaluation methods for ASME-1651. The task has a three-year re-evaluation interval. The City was unable to provide any subsequent qualification record, indicating that the individual's qualifications expired prior to the work being performed.

Therefore, the City failed to ensure through evaluation that individuals performing covered tasks are qualified as required by section 192.805(b).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$272,926 per violation per day the violation persists, up to a maximum of \$2,729,245 for a related series of violations. For violation occurring on or after December 28, 2023 and before December 30, 2024, the maximum penalty may not 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.

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 may 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 1-2025-032-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