CITY OF DANVILLE
Danville Utilities

5/5/2026

Robert Burrough
Director, Eastern Region
Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628

Dear Director Burrough:

The City of Danville Utilities submits this formal response to the Notice of Probable Violation (CPF 1 2026 019 NOPV) following the VA SCC inspection conducted between August 27, 2024, and June 16, 2025, inspections conducted by the Virginia State Corporation Commission.

We have selected and are responding in accordance with the Attached Document, responding to a Notice of Probable Violation and Proposed Compliance Order, under option (I)(b)(1).

We acknowledge PHMSA's findings under §192.805(b) specifically, incomplete documentation of performance evaluations for personnel performing covered tasks. We appreciate the opportunity to address the identified deficiency concerning our Operator Qualification Program.

**Danville Utilities' Response to Proposed Compliance Order**

**A:** Per the Proposed Compliance Order, to correct this finding, the City is incorporating the following added measures by revising our OQ Plan evaluation process to ensure that City and contractor personnel performing covered tasks are subject to all required evaluations during qualification and re-qualification:

**1. Additional Personnel Resources:** The City has since added two (2) additional-covered task Training Evaluators through the MEA *Train the Evaluator Workshop*. This has closed the gap for the City in performing and recording the written knowledge tests ("KNT") and the performance evaluations ("PEF"). *See also* item 2 a. below.

**2. Procedural Changes*:** The following procural changes have been made within the written OQ Plan to help eliminate the possibilities of gaps in the covered task qualification / re-qualification process.

**a**. Section 4.2.5 The City shall strive to maintain up to three (3) capable OQ covered task Evaluators with a backup Evaluator being the OQ Plan Administrator. Staffing numbers of trained-covered task Evaluators shall be monitored during quarterly OQ program reviews (*see below* **c.** Quality Control Measures). In measuring current qualifications against re-qualification schedules and/or upcoming qualification needs, the vacancies of trained covered task Evaluators shall be promptly filled or backfilled appropriately as projections dictate.

**b**. Section 4.2.5 - Evaluator Selection Criteria (6) is amended to state "Complete Midwest Energy Association's *Train the Evaluator* training program and have ~~or~~ acceptable knowledge of the evaluation requirements as determined by the Plan Administrator." This makes it mandatory to accomplish the MEA training rather than define it as an option.

**c.** Section 4.13 - *Program Recordkeeping* Was amended to reassign requirement (9) as "Copies of each Quarterly OQ Plan Checkup review," and moving the previous requirement numbered (9) to (10) "Copies of previous plan." The section *Program Recordkeeping* now reads:
(9) Copies of each Quarterly OQ Plan Checkup review
(10) Copies of previous plans.

**d.** Section 4.14 Program Performance, Effectiveness, and Improvement. This section was amended to now include two new subsections. The original existing paragraph focused on program reviews on an annual basis not exceeding 15 months, but once each calendar year. No changes were made to this section, but it is now titled as **4.14.1 Annual *Program Reviews***.

A new subsection was added that is now titled 4.14.2 **Quarterly *OQ Checkups***. This section includes the following directive.

> *"To prevent the occurrence of gaps in the qualification / re-qualification process and recordkeeping standards, on a quarterly basis the OQ Plan Administrator shall perform the following to ensure the program minimums are met.*
>
> - *Personnel Qualification Records Review to ensure the individual's file includes the appropriate Knowledge (training) ("TNG"), Skills (testing) ("KNT"), and Abilities (performance) ("PEF") as well as the qualification status of personnel performing covered tasks for the City (City employees and Contractors.)*
> - *Review of trainers, evaluators, and proctors to ensure they meet the minimums defined within the procedures.*
> - *Make projections regarding upcoming OQ program personnel needs and coordinate with City management to arrange or develop assets that meet those needs.*

**3. Quality Control Measures: Additionally**, the City has committed to strengthening its documentation review and its recordkeeping processes by implementing quarterly reviews by the OQ Plan Administrator (Quarterly OQ Checkups) to ensure full compliance with OQ process requirements and record-keeping expectations. See item 2d. above.

The City remains committed to full compliance with 49 CFR Part 192. We believe these actions effectively address the referenced gaps and respectfully request PHMSA's consideration of these efforts in determining the final enforcement outcome.

* Please note that the City does not feel that the described procedural updates under *2. Procedural Changes* above qualify as a significant modification to the program as referenced in § 192.805(i), requiring notification to PHMSA per § 192.18.