



Idaho Public Utilities Commission

PO Box 83720, Boise, ID 83720-0074

Brad Little, Governor

Paul Kjellander, Commissioner
Kristine Raper, Commissioner
Eric Anderson, Commissioner

October 21, 2021

#N202102

Nathan Caldwell
Northwest Gas Processing
Weiser Brown Operating
117 E. Calhoun St. (Box 500)
Magnolia, AR 71753

Dear Mr. Caldwell:

On October 19, 2021, the Idaho Public Utilities Commission, Pipeline Safety Division, pursuant to Chapter 601 of Title 49, United States Code, conducted a Drug and Alcohol inspection on the natural gas pipeline facilities (System) of Northwest Gas Processing, LLC's (NWGP) in the state of Idaho.

The inspection found that NWGP's System in Idaho was out of compliance on certain items, resulting in probable violation of the pipeline safety regulations at Title 49, Code of Federal Regulations, Parts 199. See 49 CFR §190.207. The probable violation(s) are as follows:

PROBABLE VIOLATIONS

1. 49 CFR §199.117; Recordkeeping

(a) Each operator shall keep the following records for the periods specified and permit access to the records as provided by paragraph (b) of this section:

- (1) Records that demonstrate the collection process conforms to this part must be kept for at least 3 years.
- (2) Records of employee drug test that indicate a verified positive result, records that demonstrate compliance with the recommendations of a substance abuse professional, and MIS annual report data shall be maintained for a minimum of five years.
- (3) Records of employee drug test results that show employees passed a drug test must be kept for at least 1 year.
- (4) Records confirming that supervisors and employees have been trained as required by this part must be kept for at least 3 years.
- (5) Records of decisions not to administer post-accident employee drug tests must be kept for at least 3 years.

NWGP Drug and Alcohol Plan, Section 7.5 Recordkeeping:

Records and Retention Periods. The Company or its C/TPA will maintain the following records for the noted time periods, as a minimum:

- Records kept for five years:
 - (1) Records of alcohol test results indicating an alcohol concentration of 0.02 or greater.
 - (2) Records of the inspection, maintenance, and calibration of EBTs.
 - (3) Records of verified positive drug test results.
 - (4) Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);
 - (5) SAP reports.
 - (6) Follow-up tests and schedules for follow-up tests; and,
 - (7) Statistical data related to the Company’s testing program, entitled “Management Information System,” will be available to a representative of DOT, PHMSA, or a state agency having regulatory authority over the Company upon request.
- Records kept for three years:
 - (1) Records of information obtained from previous employers under Part 40 concerning drug and alcohol test results of employees.
 - (2) Records that demonstrate the drug-testing collection process; and,
 - (3) Records related to “signs and symptoms” alcohol and drug training for supervisors
 - (4) Records related to employee education and training.
 - (5) Records of decisions not to administer post-accident covered employee alcohol and drug tests.
- Records kept for two years:
 - (1) Records related to the alcohol collection process (i.e., documentation of breath alcohol technician training, documents generated in connection with decisions to administer reasonable suspicion alcohol tests, documents generated in connection with decisions on post-accident tests, and documents verifying existence of a medical explanation of the inability of a covered employee to provide adequate breath for testing); and,
- Records kept for one year:
 - (1) Negative and cancelled drug test results.
 - (2) Alcohol results less than 0.02.

Finding:

NWGP has no Historical Drug & Alcohol test records as required by 49 CFR §199.117; Recordkeeping.

REQUESTED ACTIONS

A reply to this correspondence, as outlined below, is required no later than 45 days from the date of this letter. Please send all documents to our office at P.O. Box 83720-0074, Boise, Idaho 83720-0074. Be advised that all material you submit in response to this enforcement action may be a public record, subject to disclosure under Idaho’s Public Records Law. See Idaho Code §§74-101 et seq.

You have a right to appear before the Pipeline Safety Division in an informal conference before December 5, 2021, at the Commission’s offices at 11331 W. Chinden Blvd, Boise. You have the right to present relevant documents to the Pipeline Safety Division at that conference. The Pipeline Safety Division will make available to you any evidence which indicates that you may have violated the law, and you will have the opportunity to rebut this evidence. See IDAPA 31.01.01.21-26. If you intend to

request an informal conference, please contact the Pipeline Safety Division no later than November 20, 2021.

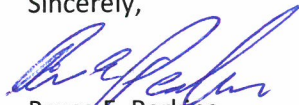
If you wish to dispute the allegations in this Notice, but do not want an informal conference, you may send the Pipeline Safety Division a written reply to this notice. This written reply must be filed with the Commission on or before November 20, 2021 and must be signed by a NWGP official with authority to bind the company. The reply must include a complete statement of all relevant facts including a complete description of the corrective action(s) taken and any and all actions to be taken to prevent future failures in these areas of concern.

If you do not respond to this notice by December 5, 2021, you may be subject to statutory civil penalties and further enforcement, as allowed under Idaho law. Idaho Code §61-712A states that “[a]ny person who violates or fails to comply with, or who procures, aids or abets any violation of title 61, Idaho Code, governing safety of pipeline facilities and the transportation of gas, or of any order, decision, rule or regulation duly issued by the Idaho public utilities commission governing the safety of pipeline facilities and the transportation of gas, shall be subject to a civil penalty of not to exceed two thousand dollars (\$2,000) for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed two hundred thousand dollars (\$200,000) for any related series of violation.”

If you have any questions concerning this notice, please contact me at (208) 334-0326. Also, all written responses should be addressed to me at the above address, or you may fax your response to (208) 334-4045.

We appreciate your attention to this matter and your effort to promote pipeline safety.

Sincerely,



Bruce E. Perkins
Interim Pipeline Safety, Program Manager
Idaho Public Utility Commission