

## WARNING LETTER

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 25, 2019

The Honorable Harry K. Brower, Jr., Mayor  
North Slope Borough  
P.O. Box 69  
Barrow, Alaska 99723

**CPF 5-2019-0008W**

Dear Mayor Brower:

From July 10 through 14, 2017 and again from November 13 through 15, 2017, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected your Nuiqsut Utility Cooperative (NUC) natural gas distribution system facilities, procedures, and implementing records associated with that system in Nuiqsut, Alaska. NUC is overseen by the Fuel & Natural Gas division of the Department of Public Works, North Slope Borough (NSB).

Based on our inspection findings, PHMSA determined that the North Slope Borough (NSB) committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The deficiencies noted and the probable violations are:

1. **§ 192.615 Emergency Plans.**
  - (a) . . . .
  - (b) **Each operator shall: ....**
    - (2) **Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.**

North Slope Borough was unable to demonstrate that all the NUC operating personnel were knowledgeable of the emergency procedures required by §192.615. No records could be provided that indicated that emergency response task identification and competency training had been completed for all new employees. The regulation requires that all appropriate operating personnel, including newly-hired personnel, be knowledgeable of emergency procedures. Furthermore, NSB and the NUC must verify the training is effective. Supporting records demonstrating that these training activities were completed are required by §192.603(b).

2. **§ 192.615 Emergency Plans.**

(a) . . . .

(c) **Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to:**

**(1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;**

NSB could not demonstrate on-going liaison activities between the NUC and the Nuiqsut Fire Department. NSB must ensure that they and NUC personnel establish and maintain a liaison with Nuiqsut Fire Department and other appropriate public officials. Supporting records demonstrating these liaison activities were completed are required by §192.603(b).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$209,002 per violation per day the violation persists, up to a maximum of \$2,090,022 for a related series of violations. For violations occurring prior to November 2, 2015, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$2,000,000 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(s) identified in this letter. Failure to do so will result in NSB 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 5-2019-0008W**. 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,

Chris Hoidal  
Acting Director, Western Region  
Pipeline and Hazardous Materials Safety Administration

cc: Allen Snow, Division Manager, Fuel and Natural Gas ( allen.snow@north-slope.org )  
Tasi Fosi, Acting Project Administrator, Fuel and Natural Gas (tasi.fosi@north-slope.org)  
Don Eller, General Manager, Nuiqsut Utilities Cooperative ( nalaska@ytcmail.com )  
PHP-60 Compliance Registry  
PHP-500 M. Chard (#155154)