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Via Electronic Mail to dustin.hubbard@dot.gov

August 2, 2023

Mr. Dustin Hubbard
Director, Western Region
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
12300 W. Dakota Avenue, Suite 110
Lakewood, Colorado 80228

**RE: Response to PHMSA CPF 5-2023-008-NOPV
Notice of Probable Violation**

Dear Mr. Hubbard,

Harvest Alaska, LLC (Harvest) has received the above referenced Notice of Probable Violation (NOPV) and Proposed Civil Penalty by which PHMSA alleges that Harvest committed probable violations of Title 49, Code of Federal Regulations. The NOPV was generated from a records review as part of an integrated inspection of the Northstar Gas Pipeline.

PHMSA asserts that there are two proposed NOPVs associated with the inspection, one of which is a warning item, and the other carrying a proposed civil penalty.

Item 1. § 192.605 Procedural manual for operations, maintenance, and emergencies, (c) Abnormal operation, (1) Responding to, investigating, and correcting the cause of; (iii) Loss of communications.

The NOPV states that Harvest failed to provide a record documenting that an abnormal operating condition (AOC) had occurred after a loss of communications was discovered.

Harvest acknowledges that an AOC should have been completed for the valve switch reporting status issue. Measures to prevent similar such instances will continue to be implemented and include education, training, and outreach to employees.

Item 2. § 192.805 Qualification program, (b) Ensure through evaluation that individuals performing covered tasks are qualified.

The NOPV states that Harvest failed to ensure that individuals performing valve inspections were qualified to perform the covered task. Harvest does not contest this finding, however, does request re-evaluation of the proposed civil penalty due to the following considerations:

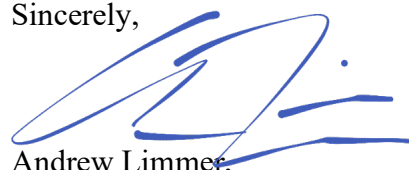
Firstly, on March 20, 2020, PHMSA issued a Notice of Enforcement Discretion to Operators, regarding the national emergency relating to the novel coronavirus disease (COVID-19) outbreak. This notice allowed discretion for a stay of enforcement on issues associated with Operator Qualifications, among other things. While the Harvest OQ administrator did not make formal notice to PHMSA of the COVID complications in regard to getting qualified workers at a remote facility, significant hardship was noted at the time. In hindsight, notification should have been made for a specific stay was being granted.

Secondly, Harvest has made substantial improvements to their OQ Program in the time since the above findings, and includes establishing a Harvest Alaska managed OQ program, as well as developing tools such as automated reporting capabilities to track worker credentials and qualifications to include new and expiring qualifications, all to ensure compliance.

Considering these two factors, Harvest Alaska respectfully requests reconsideration of the proposed civil penalty.

If any questions, please feel free to contact me directly at (907) 777-8310, Andrew.Limmer@harvestmidstream.com, or Harold Colgrove at (907) 777-8310, Harold.Colgrove@harvestmidstream.com.

Sincerely,



Andrew Limmer,
Vice President, Harvest Alaska

cc (by-email):

LaToya Reese, (PHMSA)
Gabrielle St. Pierre, (PHMSA)
Nancy Turner, (PHMSA)
Harold Colgrove, Integrity & Regulatory Compliance Manager (Harvest Alaska)
Ben Hagedorn, Regulatory Compliance Specialist (Harvest Alaska)