

NOTICE OF AMENDMENT

VIA ELECTRONIC MAIL TO MR. TRENT CARBAUGH

March 1, 2023

Mr. Trent Carbaugh
General Manager
Menzies Aviation
P.O. Box 190246
Anchorage, AK 99502

CPF 5-2023-013-NOA

Dear Mr. Carbaugh:

From September 12 through the 15, 2022, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected Menzies Aviation's (Menzies) procedures for PHMSA notification of operator qualification (OQ) program changes and damage prevention program plans in Anchorage, Alaska.

Based on the inspection, PHMSA has identified the apparent inadequacies found within Menzies's plans or procedures, as described below:

1. **§ 195.442 Damage prevention program.**
 - (a)
 - (c) **The damage prevention program required by paragraph (a) of this section must, at a minimum:**
 - (1) **Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.**

Menzies Operations and Maintenance (O&M) Manual, section 17, page 69/77, did not have a process for updating and inputting newly identified contractors or excavation operators. Menzies could not produce documentation to demonstrate that they actively searched for new contractors or excavation operators that could pose a risk to the pipeline. Menzies stated they were solely dependent on the 811-ticket system to update records of any new contractors or excavation operators. Furthermore, Menzies failed to remove the outdated local utility company, Municipal Light & Power (ML&P) utility, from their contact list and failed to include the current local utility company, Chugach Electric Association (CEA) utility, on their contact list after CEA's October 30, 2020 acquisition of ML&P.

2. § 195.505 Qualification program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(a)

(i) After December 16, 2004, notify the Administrator or a state agency participating under 49 U.S.C. Chapter 601 if the operator significantly modifies the program after the administrator or state agency has verified that it complies with this section. Notifications to PHMSA may be submitted by electronic mail to InformationResourcesManager@dot.gov, or by mail to ATTN: Information Resources Manager DOT/PHMSA/OPS, East Building, 2nd Floor, E22-321, New Jersey Avenue SE., Washington, DC 20590.

Menzies O&M Manual and Operator Qualification (OQ) Manual, did not have a process for notification to PHMSA for any significant modifications to the OQ program. Per the OQ manual, Review, and Revision Log, page 2 out of 34, Revision 5 changed the company name from ASIG to Menzies Aviation following a change in operatorship. No documented notification was sent to PHMSA for changes to the OQ program as a result of the merger/acquisition.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*.

Please refer to this document and note the response options. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under §190.211. If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this

Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue an Order Directing Amendment. If your plans or procedures are found inadequate, as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within **90** days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that Menzies maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Dustin Hubbard, Director, Western Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 5-2023-013-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Dustin Hubbard
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*

cc: PHP-60 Compliance Registry
PHP-500 M. Yeager (#22-251101)
Marc McCafferty, Menzies Aviation (via email)