

January 11, 2024

VIA ELECTRONIC MAIL TO: josiah.patkotak@north-slope.org

The Honorable Josiah Patkotak
Mayor of the North Slope Borough
P.O. Box 69
Utqiagvik, Alaska 99723

Re: CPF No. 5-2023-039-NOPV

Dear Mr. Patkotak:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and specifies actions that need to be taken to comply with the pipeline safety regulations. When the terms of the compliance order are completed, as determined by the Director, Western Region, this enforcement action will be closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. Dustin Hubbard, Director, Western Region, Office of Pipeline Safety, PHMSA
Mr. Scott K. Danner, Director, Department of Public Works, North Slope Borough,
scott.danner@north-slope.org
Mr. James Aiken, Deputy Director, Department of Public Works, North Slope Borough,
james.aiken@north-slope.org

Ms. Joanne Simmonds, Assistant to the Mayor, North Slope Borough,
joanne.simmonds@north-slope.org
Mr. Roy Martinez, Gas Distribution Manager, Nuiqsut Utility Cooperative,
NSBmanager@nucmail.com

CONFIRMATION OF RECEIPT REQUESTED

	)	
In the Matter of	)	
	)	
North Slope Borough,	)	CPF No. 5-2023-039-NOPV
a municipal corporation,	)	
	)	
Respondent.	)	
	)	

On November 2, 2023, pursuant to 49 C.F.R. § 190.207, the Director, Western Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation and Proposed Compliance Order (Notice) to North Slope Borough Energy Management (Respondent (North Slope Borough, a municipal corporation)). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 192. The Notice also proposed certain measures to correct the violations. Respondent did not contest the allegations of violation or corrective measures.

49 C.F.R. § 192.605(a) (**Item 1**) – Respondent failed to follow its procedures when it significantly altered the pipeline monitoring system without prior notification to field personnel (contractors), Nuiqsut Utility Cooperative;

49 C.F.R. § 192.605(a) (**Item 2**) — Respondent failed to review and update its operations and maintenance manuals at intervals not exceeding 15 months, but at least once each calendar year;

49 C.F.R. § 192.605(b)(8) (**Item 3**) – Respondent failed to complete periodic effectiveness reviews by failing to modify its procedures when deficiencies were found:

49 C.F.R. § 192.615(a)(4) (**Item 4**) — Respondent failed to ensure the availability of personnel, equipment, tools, and materials, as needed, at the scene of an emergency;

49 C.F.R. § 192.625(f) **(Item 5)** — Respondent failed to adequately conduct and record periodic sampling of combustible gases for odorization;

49 C.F.R. § 192.805 **(Item 7)** — Respondent failed to follow its written qualification program when the review and revision log within its Operator Qualification Plan manual had no documented revisions since 2019; and

49 C.F.R. § 192.1007(f) **(Item 8)** — Respondent failed to conduct a complete program re-evaluation at least every five years as required.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

Compliance Actions

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the actions proposed in the enclosed Notice to correct the violations. The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension. Upon completion of the ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

Warning Item

With respect to Item 6, the Notice alleged probable violation of 49 C.F.R. § 192.739(a), but did not propose a civil penalty or compliance order for this item. Therefore, this is considered to be a warning item. If OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

January 11, 2024

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued