

March 19, 2024

**VIA ELECTRONIC MAIL TO: skolassa@harvestmidstream.com**

Mr. Sean Kolassa  
President  
Harvest Alaska, LLC  
1111 Travis Street  
Houston, Texas 77002

**Re: CPF No. 5-2023-058-NOPV**

Dear Mr. Kolassa:

Enclosed please find the Final Order issued in the above-referenced case to Harvest Alaska, LLC. It makes a finding of violation and assesses a civil penalty of \$63,300. When the civil penalty has been paid, 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. Andrew Limmer, Vice President, Harvest Alaska, alimmer@harvestmidstream.com  
Mr. Harold Colgrove, Manager, Integrity & Regulatory Compliance, Harvest Alaska,  
harold.colgrove@harvestmidstream.com  
Mr. Ben Hagedorn, Regulatory Compliance Specialist, Harvest Alaska,  
ben.hagedorn@harvestmidstream.com

**CONFIRMATION OF RECEIPT REQUESTED**

**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, D.C. 20590**

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<b>In the Matter of</b>	)		
	)		
<b>Harvest Alaska, LLC,</b>	)	<b>CPF No. 5-2023-058-NOPV</b>	
	)		
<b>Respondent.</b>	)		
	)		

**FINAL ORDER**

On December 27, 2023, pursuant to 49 C.F.R. § 190.207, the Director, Western Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to Harvest Alaska, LLC (Respondent or Harvest). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 195 and proposed a civil penalty of \$63,300. Respondent did not contest the allegation of violation or the proposed civil penalty.<sup>1</sup> Respondent did not request a hearing and therefore has waived its right to one.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulation listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 195.428(a) (**Item 2**) — Respondent failed to conduct testing and inspection of an overpressure control device at least once each calendar year and at an interval not to exceed 15 months.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent. Respondent is assessed a civil penalty amount of **\$63,300**.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require such payment to be made by wire transfer through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMK-325), Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 S MacArthur Blvd, Oklahoma City, Oklahoma 79169. The Financial Operations Division telephone number is (405) 954-8845.

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<sup>1</sup> Respondent described in a January 24, 2024 letter responding to the NOPV (Response) corrective actions Harvest has taken to address the allegations in the Notice.

Failure to pay the civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717; 31 C.F.R. § 901.9; and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a district court of the United States.

### **Warning Items**

With respect to Items 1, 3, and 4, the Notice alleged probable violations of Part 195 but did not propose civil penalties or compliance orders for these items. Therefore, these are considered to be warning items under § 190.205. The warnings were for:

49 C.F.R. § 195.262(b)(1) (**Item 1**) – Respondent’s alleged failure to provide an overpressure prevention safety device for an auxiliary pump within a pump station;

49 C.F.R. § 195.452(e)(1) (**Item 3**) - Respondent’s alleged failure to consider mandatory risk factors when extending the continual integrity assessment schedule for its Cook Inlet Pipeline; and

49 C.F.R. § 192.452(a)(i)(1) (**Item 4**) - Respondent’s alleged failure to consider measures to prevent consequences of a pipeline failure in a high consequence area.

Respondent stated in the Response that Harvest has taken actions to address the cited warning items. Under § 190.205, PHMSA does not adjudicate warning items to determine whether a probable violation occurred. If OPS finds a violation of any of these items 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.

March 19, 2024

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Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

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Date Issued