

**WARNING LETTER**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

August 18, 1999

Charles Steven  
Vice President of Transmission Operation  
Arkansas Western Gas Company  
1083 Sain Street  
Fayetteville, AR 72702

CPF No. 27105-W

Dear Mr. Steven:

On April 24, 1997, Mr. Derick Turner, a representative of the Southern Region, Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code, conducted an onsite inspection of your Anti-drug and Alcohol Misuse Prevention Program for pipeline employees at your headquarter office in Fayetteville, Arkansas.

As a result of the inspection, it appears that you have committed probable violations as noted below of pipeline safety regulations Title 49, Code of Federal Regulations, Parts 199 and 40.

The items inspected and the probable violations are:

1. **§199.7(a) requires each operator to maintain and follow a written anti-drug plan that conforms to the requirements of Part 199 and the DOT Procedures. The plan must contain-**
  - (1) **Methods and procedures for compliance with all the requirements of this part, including the employee assistance program;**
  - (2) **The name and address of each laboratory that analyzes the specimens collected for drug testing;**



- (3) **The name and address of the operator's medical review officer;**
- (4) **Procedures for notifying employees of the coverage and provisions of the plan.**

A review of the Arkansas Western Gas Company's anti-drug plan indicated that it did not contain procedures for notifying employees of the coverage.

The plan was also inadequate in addressing the specimen collection process of integrity and identity in §40.25(f).

The plan must clearly identify those matters relating to Parts 199 and 40 verses company policy. This can be done by keeping these requirements in separate sections, set apart in bold face types, underlined, or other equivalent means.

2. **§199.19(c) requires training under each EAP for supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause to include one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use.**

A review of the training records indicated that three supervisors had not received the 60 minutes of training.

3. **§ 199.202 requires that each operator shall maintain and follow a written alcohol misuse plan that conforms to the requirements of this subpart and the DOT procedures in part 40. The plan shall contain methods and procedures for compliance with all the requirements of this subpart, including required testing, record keeping, reporting, education and training elements.**

Quality assurance plans for EBT's as required by §40.55 were not adequately addressed in the plan.

4. **§199.241 requires the operator to ensure that persons designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing under §199.225(b) receive at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.**

A review of the training records indicated that three supervisors had not received the 60 minutes of training.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$25,000 for each violation for each day the violations persists up to a maximum of \$500,000 for any related series of violations.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to assess you a civil penalty. We advise you, however, that should you not correct the circumstances leading to the violations, we will take enforcement action when and if the continued violations comes to our attention.

You will not hear from us again with regard to the noted inspection and our subsequent action. Because of the good faith that you have exhibited up to this time, we expect that you will act to bring your pipeline (and/or your operations) into compliance with pipeline safety regulations.

Sincerely,

Frederick A. Joyner  
Director, Souther Region  
Office of Pipeline Safety

cc: Compliance Registry, OPS Headquarters

**DERICK/sd/DPS-25/5/7/97**

**FILE: CPF: 27105W/Arkansas Western Gas Co**

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**cc: DPS-20.1, Regions, Derick**