



December 1, 2022

Terence Eng, P.E.
Program Manager
Gas Safety and Reliability Branch
Safety and Enforcement Division

Re: The Safety and Enforcement Division (SED) of the California Public Utilities Commission (CPUC) conducted a **General Order (G.O.) 112-F** inspection of Alpine Natural Gas's (ANG) Operator Qualification and Anti-Drug & Alcohol Misuse programs from October 10th through October 14th, 2022.

Alpine's Response to the findings follows.

Alpine appreciates the opportunity to review and respond to the "Post-Inspection Written Preliminary Findings".

Thank-you,

Michael Lamond, Administrator
Alpine Natural Gas Operating Company No. 1, LLC (909-G)

CC: Sann Naing, SED/GSRB
Kan Wai Tong, SED/GSRB
Claudia Almengor, SED/GSRB
Matthewson Epuna, SED/GSRB

Drug and Alcohol: General Program Requirements (DA. GENERAL)

Violation:

SED finds ANG in violation of Title 49 CFR §40.13(f) for using the DOT ATF for non-DOT tests. ANG must ensure that the DOT ATF and the Federal Drug Testing Custody and Control Form (CCF) are not being used for non-DOT tests.

Response: Alpine will ensure that moving forward it will not use the DOT ATF and CCF are not being used for non-DOT tests.

Drug and Alcohol: Anti-Drug Program (DA. DRUG)

Violation:

SED finds ANG in violation of Title 49 CFR §199.105(c)(1) for failure to meet the minimum annual percentage rate for random drug testing.

Response: Alpine will ensure that moving forward it will meet the minimum annual percentage rate for random drug testing.

SED recommends that ANG revise their D&A policy to indicate that ANG will/shall/must conduct random drug testing.

Response: Article V, Section C.

Drug and Alcohol: Alcohol Misuse Prevention Program (DA. ALCOHOL)

Violation:

ANG's D&A policy does not clearly identify random alcohol tests as non-DOT tests, nor do any of the other educational materials provided by ANG. SED finds ANG in violation of Title 49 CFR §199.239(b)(5) for failure to communicate to covered employees under which circumstances they are subject to DOT testing.

Response: Article V, Section C.

Drug and Alcohol: General Program Requirements (DA. GENERAL)

Concern:

ANG's D&A policy does not contain requirements for ANG to get written consent per Title 49 CFR §40.25(a) from new or transferred employees prior to requesting the required information listed in Title 49 CFR §40.25(b) from a previous employer. SED understands that ANG has not employed anyone to perform covered tasks that worked for a DOT-regulated employer within 2 years of being employed by ANG, but SED recommends that ANG amend their D&A policy to ensure future compliance with Title 49 CFR §40.25(a).

Response: Article II, Sections A-E

Drug and Alcohol: Anti-Drug Program (DA. DRUG)

Concern:

SED recommends that ANG revise their policy to clarify that ANG's DOT drug tests only test for the required classes of drugs.

Response: Article III, Subsection B.2

Concern:

SED recommends that ANG add details to Article VI of their D&A Policy regarding when follow-up testing will be required and outlining the responsibility of the Substance Abuse Professional (SAP) in determining the number and frequency of tests per Title 49 CFR §199.105(f) and §199.225(d) to ensure future compliance with those code sections.

Response: Article VI, Subsection B.3

Training and Qualification: Operator Qualification (TQ. OQ)

Concern:

Part Ten of ANG's Operator Qualification (OQ) plan states that ANG will notify the CPUC if a change is "deemed major". However, the process does not define what the major changes are. SED recommends that ANG add processes to their OQ plan that identify "significant" changes to ensure future compliance with Title 49 CFR §192.805(i).

Response: Part Ten of ANG's OQ Plan was revised by replacing "deemed major" to "significant," and significant changes include, without limitation: increasing evaluation intervals, increasing span of control ratios, eliminating covered tasks, mergers and/or acquisition changes, evaluation method changes such as written vs. observation, and wholesale changes made to OQ plan.