STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

CERTIFIED MAIL

August 19, 2015

Ms. Margaret Felts
President
Mt. Carmel Public Utility Company
316 Market Street
Mount Carmel, IL 62863

Re: Notice of Probable Violations (NOPV #'s 2015-V001-00008 and 2015-V001-00009)

Dear Ms. Felts:

Representatives of the Illinois Commerce Commission Pipeline Safety Program ("Staff") conducted a review of the Drug and Alcohol Misuse Prevention Plan Review (Drug and Alcohol Plan) for the Mt. Carmel Public Utility Company ("Mt. Carmel") on May 26-29, 2015 (Inspection # 2015-P-00265). During that audit, our Analysts observed the following probable violations with reference to Parts 199 and 40 of the Federal Regulations for the Transportation of Natural Gas. A Notice of Probable Violation ("NOPV") has been issued for the sections of the Code of Federal Regulations ("CFR") cited, and were discussed with Eric Bramlet on May 29, 2015.

Below is the applicable section of the CFR and the subsection language applicable to the violation. In some instances, additional sections of the CFR are referenced to clarify the inadequacy identified. Following the CFR or subsection language is a description of each violation along with required corrective measures that must be taken to become compliant with the CFR.

NOPV # 2015-V001-00009

CFR §49CFR40.45 titled: ***"What form is used to document a DOT urine collection?"*** states in paragraphs (a)-(d), "The Federal Drug Testing Custody and Control Form (CCF) must be used to document every urine collection required by the DOT drug testing program. The CCF must be a five-part carbonless manifold form. You may view this form on the Department's web site (www.dot.gov/ost/dapc!Inet ("http://www.dot.gov/ost/dapc")) or the HHS web site (www.health.org/samhsa.gov!Inet("http://www.health.org/samsha.gov")). You must not use a non-Federal form or an expired CCF to conduct a DOT urine collection. As a laboratory, C/TPA or other party that provides CCFs to employers, collection sites, or

other customers, you must not provide copies of an expired CCF to these participants. You must also affirmatively notify these participants that they must not use an expired CCF (e.g., that after November 30, 2011, they must not use an expired CCF for DOT urine collections). As a participant in the DOT drug testing program, you are not permitted to modify or revise the CCF except as follows. You may include, in the area outside the border of the form, other information needed for billing or other purposes necessary to the collection process. The CCF must include the names, addresses, telephone numbers and fax numbers of the employer and the MRO, which may be preprinted, typed, or handwritten. The MRO information must include the specific physician's name and address, as opposed to only a generic clinic, health care organization, or company name. This information is required, and it is prohibited for an employer, collector, service agent or any other party to omit it. In addition, a C/TPA's name, address, fax number, and telephone number may be included, but is not required. The employer may use a C/TPA's address in place of its own, but must continue to include its name, telephone number, and fax number. As an employer, in Step 1-D of the CCF you may preprint the box for the DOT Agency under whose authority the test will occur. As a collector, you may use a CCF with your name, address, telephone number, and fax number preprinted, but under no circumstances may you sign the form before the collection event. Under no circumstances may the CCF transmit personal identifying information about an employee (other than a social security number (SSN) or other employee identification (ID) number) to a laboratory."

On May 28, 2015, Staff determined the current Federal Drug Testing Custody and Control Form "(CCF)" or equivalent, was not being used at the collection site, Wabash Primary Care Assoc., located at 1123 Chestnut Street, Mt. Carmel, IL 62863.

Mt. Carmel must insure that all collection sites use the correct Federal Drug Testing Custody and Control Form.

NOPV # 2015-V001-00008

CFR §49CFR199.241 titled: **"Training for supervisors"** states, "Each operator shall 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."

Records were not provided that indicate supervisors designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing under §199.225(b) received at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

Mt. Carmel must provide Staff with evidence that supervisors designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing under §199.225(b) have received at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

Upon receipt of the NOPV, Mt. Carmel may submit to this office by September 14, 2015, in writing, evidence refuting the probable violation referenced in the NOPV. If evidence refuting the probable violation cannot be provided, you must submit a written plan of action outlining actions to be taken to correct the violation, including a schedule and the date when compliance is anticipated by September 18, 2015. The response should include the steps that Mt. Carmel has taken, or expects to take to prevent a recurrence of this situation.

Once the inadequacies identified herein have been addressed, documentation confirming the corrective action must be forwarded to this office. Staff will review the documentation provided to determine compliance. Any correspondence must include the Inspection Report Number as well as the corresponding NOPV Number.

Failure to respond to this letter by the date specified above and take corrective actions will subject Mt. Carmel to a penalty assessment as allowed under Section 7 of the Illinois Gas Pipeline Safety Act (220 ILCS 20/7).

Please be advised that pursuant to IL Adm. Code Part 596 of the Commission's Rules, all information regarding this inspection in possession of the Commission, including communications regarding this inspection will be made available to the public and posted on the Commission's website. Confidential and/or personal information including, but not limited to social security numbers, drivers license numbers, credit card numbers, debit card numbers, and medical records, etc. should be included in neither inspection documents nor correspondence with the Commission. Any person, as set forth in Section 596.20, who believes that any inspection information is confidential or proprietary shall request that the Commission enter an order to protect the confidential or proprietary information pursuant to 83 Ill. Adm. Code 200.430.

If you have any questions concerning this matter, please contact Valerie Schwing at (217) 414-9608, or I may be contacted at (217) 785-1165.

Sincerely,

Matthew T. Smith/mn

Matthew T. Smith
Interim Program Manager- Pipeline Safety

MTS/mn