



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 Amendments (NOA #'s 2015-A001-00038 through 2015-A001-00074)

Dear Ms. Felts:

Representatives of the Illinois Commerce Commission Pipeline Safety Program ("Staff") conducted a review of the Mt. Carmel Public Utility Company ("Mt. Carmel") Drug and Alcohol Misuse Prevention Plan Review ("Drug and Alcohol Plan") on May 26-29, 2015 (Inspection # 2015-P-00265). The audit has established that Mt. Carmel's Drug and Alcohol Plan is inadequate.

Below is the applicable section of the Code of Federal Regulations ("CFR") and the subsection language applicable to the violation. Following the CFR or subsection language is a description of each inadequacy.

NOA # 2015-A001-00066

CFR §199.101 titled: "**Anti-drug plan**" states in paragraph (a) (3), "Each operator shall maintain and follow a written anti-drug plan that conforms to the requirements of this part and the DOT Procedures. The plan must contain -The name and address of the operator's Medical Review Officer, and Substance Abuse Professional."

The Substance Abuse Professional's ("SAP") name and address must be identified and listed in the Drug and Alcohol Plan.

NOA # 2015-A001-00054

CFR §40.409 titled: **“What does the issuance of a PIE mean to transportation employers?”** states in paragraph (b), “As an employer who is using a service agent concerning whom a PIE is issued, you must stop using the services of the service agent no later than 90 days after the Department has published the decision in the Federal Register or posted it on its web site. You may apply to the ODAPC Director for an extension of 30 days if you demonstrate that you cannot find a substitute service agent within 90 days.”

The Drug and Alcohol Plan does not address Public Interest Exclusions "(PIEs)". The Drug and Alcohol Plan must state that if the employer uses a service agent concerning whom a PIE is issued, the employer must stop using the services of the service agent no later than 90 days after the Department has published the decision in the Federal Register or posted it on its web site.

NOA # 2015-A001-00038

CFR §40.307 titled: **“What is the SAP's function in prescribing the employee's follow-up tests?”** states in paragraph (f), “As the SAP, you may modify the determinations you have made concerning follow-up tests. For example, even if you recommended follow-up testing beyond the first 12-months, you can terminate the testing requirement at any time after the first year of testing. You must not, however, modify the requirement that the employee take at least six follow-up tests within the first 12 months after returning to the performance of safety-sensitive functions.”

The Drug and Alcohol Plan incorrectly identified the MRO and not the SAP as the person to establish the frequency of employee follow-up testing after a failed drug test.

NOA # 2015-A001-00072

CFR §40.307 titled: **“What is the SAP's function in prescribing the employee's follow-up tests?”** states in paragraph (a), “As a SAP, for each employee who has committed a DOT drug or alcohol regulation violation, and who seeks to resume the performance of safety-sensitive functions, you must establish a written follow-up testing plan. You do not establish this plan until after you determine that the employee has successfully complied with your recommendations for education and/or treatment.”

The Drug and Alcohol Plan must state the SAP establishes a written follow-up testing plan for a covered employee that engages in conduct prohibited by §§199.215 through 199.223 and seeks to return to the performance of a covered function.

NOA # 2015-A001-00057

CFR §40.285 titled: **“When is a SAP evaluation required?”** states in paragraph (a), “As an employee, when you have violated DOT drug and alcohol regulations, you cannot again perform any DOT safety-sensitive duties for any employer until and unless you complete the SAP evaluation, referral, and education/treatment process set forth in this subpart and in applicable DOT agency regulations. The first step in this process is a SAP evaluation.”

The Drug and Alcohol Plan does not require that a covered employee who engages in conduct prohibited by §§199.215 through 199.223 is not allowed to return to duty to perform any covered function until that employee completes a SAP evaluation, referral, and education/treatment process.

NOA # 2015-A001-00068

CFR §199.209 titled: **“Other requirements imposed by operators”** states in paragraph (b) (1), “Operators may, but are not required to, conduct pre-employment alcohol testing under this subpart. Each operator that conducts pre-employment alcohol testing must conduct a pre-employment alcohol test before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions).”

Mt. Carmel has chosen to conduct pre-employment alcohol testing. The Drug and Alcohol Plan did not establish that a pre-employment alcohol test be conducted before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions).

NOA # 2015-A001-00058

CFR §199.209 titled: **“Other requirements imposed by operators”** states in paragraph (b) (2), “Operators may, but are not required to, conduct pre-employment alcohol testing under this subpart. Each operator that conducts pre-employment alcohol testing must-Treat all covered employees the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).”

The Drug and Alcohol Plan did not require that all new covered employees are treated the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

NOA # 2015-A001-00063

CFR §199.209 titled: **“Other requirements imposed by operators”** states in paragraph (b) (3), “Operators may, but are not required to, conduct pre-employment alcohol testing under this subpart. Each operator that conducts pre-employment alcohol

testing must- Conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

The Drug and Alcohol Plan did not require that pre-employment alcohol tests must be conducted after making a contingent offer of employment or transfer to an employee, subject to the employee passing the pre-employment alcohol test.

NOA # 2015-A001-00051

CFR §40.25 titled: **“Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?”** states in paragraph (a), “Yes, as an employer, you must, after obtaining an employee's written consent, request the information about the employee listed in paragraph (b) of this section. This requirement applies only to employees seeking to begin performing safety-sensitive duties for you for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position). If the employee refuses to provide this written consent, you must not permit the employee to perform safety-sensitive functions.”

The Drug and Alcohol Plan does not require Mt. Carmel to request written consent from a new employee to obtain said employee's previous drug and alcohol testing records. If the employee refuses to provide written consent, then the Drug and Alcohol Plan must state the employee is not allowed to perform safety-sensitive functions.

NOA # 2015-A001-00061

CFR §40.213 titled: **“What training requirements must STTs and BATs meet?”** states “To be permitted to act as a BAT or STT in the DOT alcohol testing program, you must meet each of the requirements of this section.”

The Drug and Alcohol Plan does not require Screening Test Technicians and Breath Alcohol Technicians must meet the training requirements listed in CFR §40.213.

NOA # 2015-A001-00074

CFR §199.239 titled: **“Operator obligation to promulgate a policy on the misuse of alcohol.”** states in paragraphs (b) (1)-(11), “Required content. The materials to be made available to covered employees shall include detailed discussion of at least the following: The identity of the person designated by the operator to answer covered employee questions about the materials; The categories of employees who are subject to the provisions of this subpart; Sufficient information about the covered functions performed by those employees to make clear what period of the work day the covered employee is required to be in compliance with this subpart; Specific information concerning covered employee conduct that is prohibited by this subpart; The circumstances under which a covered employee will be tested for alcohol under this

subpart; The procedures that will be used to test for the presence of alcohol, protect the covered employee and the integrity of the breath testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee; The requirement that a covered employee submit to alcohol tests administered in accordance with this subpart; An explanation of what constitutes a refusal to submit to an alcohol test and the attendant consequences; The consequences for covered employees to have violated the prohibitions under this subpart, including the requirement that the employee be removed immediately from covered functions, and the procedures under §199.243; The consequences for covered employees to have an alcohol concentration of 0.02 or greater but less than 0.04; Information concerning the effects of alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a coworker's); and including intervening evaluating and resolving problems associated with the misuse of alcohol including intervening when an alcohol problem is suspected, confrontation, referral to any available EAP, and/or referral to management.”

The Drug and Alcohol Plan did not incorporate the U.S DOT Office of Drug and Alcohol Policy and Compliance. Therefore, the educational materials made available to covered employees did not include detailed discussion of at least the following: The categories of employees who are subject to the provisions of this subpart. Sufficient information about the covered functions performed by those employees to make clear what period of the work day the covered employee is required to be in compliance with this subpart. Specific information concerning covered employee conduct that is prohibited by this subpart. The circumstances under which a covered employee will be tested for alcohol under this subpart. The procedures that will be used to test for the presence of alcohol, protect the covered employee and the integrity of the breath testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee. The requirement that a covered employee submit to alcohol tests administered in accordance with this subpart. An explanation of what constitutes a refusal to submit to an alcohol test and the attendant consequences. The consequences for covered employees found to have violated the prohibitions under this subpart, including the requirement that the employee be removed immediately from covered functions, and the procedures under §199.243. The consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04. Information concerning the effects of alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a coworker's); and including intervening evaluating and resolving problems associated with the misuse of alcohol including intervening when an alcohol problem is suspected, confrontation, referral to any available EAP, and/or referral to management.

NOA # 2015-A001-00044

CFR §199.239 titled: **“Operator obligation to promulgate a policy on the misuse of alcohol.”** states in paragraph (a) (2), “General requirements. Each operator shall provide educational materials that explain these alcohol misuse requirements and the operator's policies and procedures with respect to meeting those requirements. Each operator shall provide written notice to representatives of employee organizations of the availability of this information.”

The Drug and Alcohol Plan does not require written notice to representatives of employee organizations informing the group of the availability of educational materials explaining alcohol misuse requirements and the operator's policies and procedures with respect to meeting those requirements.

NOA # 2015-A001-00040

CFR §199.243 titled: **“Referral, evaluation, and treatment.”** states in paragraph (a), “Each covered employee who has engaged in conduct prohibited by §§199.215 through 199.223 of this subpart shall be advised of the resources available to the covered employee in evaluating and resolving problems associated with the misuse of alcohol. This includes the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.”

The Drug and Alcohol Plan does not require Mt. Carmel to advise an employee who has engaged in conduct prohibited by §§199.215 through 199.223 of this subpart of the resources available to the covered employee in evaluating and resolving problems associated with the misuse of alcohol. This includes the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

NOA # 2015-A001-00048

CFR §199.223 titled: **“Refusal to submit to a required alcohol test.”** states “Each operator shall require a covered employee to submit to a post-accident alcohol test required under §199.225(a), a reasonable suspicion alcohol test required under §199.225(b), or a follow-up alcohol test required under §199.225(d). No operator shall permit an employee who refuses to submit to such a test to perform or continue to perform covered function.”

The Drug and Alcohol Plan does not require that an employee who refuses to submit to a required alcohol test (i.e. post-accident, reasonable suspicion, or a follow-up test) may not perform or continue to perform covered functions.

NOA # 2015-A001-00067

CFR §40.13 titled: **“How do DOT drug and alcohol tests relate to non-DOT tests?”** states in paragraph (a), “DOT tests must be completely separate from non-DOT tests in all respects.”

The Drug and Alcohol Plan does not ensure that DOT drug and alcohol tests are completely separate from non-DOT tests in all respects.

NOA # 2015-A001-00047

CFR §40.165 titled: **“To whom does the MRO transmit reports of drug test results?”** states in paragraph (a), “As the MRO, you must report all drug test results to the Designated Employer Representative (“DER”), except in the circumstances provided for in §40.345.”

The Drug and Alcohol Plan does not require that all drug test results are reported to the DER, except when a C/TPA may act as an intermediary.

NOA # 2015-A001-00053

CFR §40.167 titled: **“How are MRO reports of drug results transmitted to the employer?”** states in paragraph (a), “You must report the results in a confidential manner.”

The Drug and Alcohol Plan does not require that drug test results are reported to the employer in a confidential manner.

NOA # 2015-A001-00070

CFR §40.167 titled: **“How are MRO reports of drug results transmitted to the employer?”** states in paragraphs (b) & (c), “You must transmit to the DER on the same day the MRO verifies the result or the next business day all verified positive test results, results requiring an immediate collection under direct observation, adulterated or substituted specimen results, and other refusals to test. Direct telephone contact with the DER is the preferred method of immediate reporting. Follow up your phone call with appropriate documentation (see §40.163). You are responsible for identifying yourself to the DER, and the DER must have a means to confirm your identification. The MRO's report that you transmit to the employer must contain all of the information required by §40.163. You must transmit the MRO's report(s) of verified tests to the DER so that the DER receives them within two days of verification by the MRO. You must fax, courier, mail, or electronically transmit a legible image or copy of either the signed or stamped and dated Copy 2 or the written report (see 40.163(b) and (c)). Negative results reported electronically (i.e., computer data file) do not require an image of Copy 2 or the written report.

The Drug and Alcohol Plan does not require the MRO or C/TPA who transmits drug test results to the employer to transmit to the DER on the same day the MRO verifies the result or the next business day all verified positive test results, results requiring an immediate collection under direct observation, adulterated or substituted specimen results, and other refusals to test. The Drug and Alcohol Plan does not require as the MRO or C/TPA who transmits drug test results to the employer to transmit the MRO's report(s) of verified tests to the DER so that the DER receives them within two days of verification by the MRO.

NOA # 2015-A001-00041

CFR §40.171 titled: **“How does an employee request a test of a split specimen?”** states in paragraph (c), “When the employee makes a timely request for a test of the split specimen under paragraphs (a) and (b) of this section, you must, as the MRO, immediately provide written notice to the laboratory that tested the primary specimen, directing the laboratory to forward the split specimen to a second HHS-certified laboratory. You must also document the date and time of the employee's request.”

The Drug and Alcohol Plan does not require that the MRO documents the date and time of the employee's request to test the split specimen by using a second HHS-certified laboratory.

NOA # 2015-A001-00073

CFR §40.153 titled: **“How does the MRO notify employees of their right to a test of the split specimen?”** states in paragraph (d), “You must tell the employee that if he or she makes this request within 72 hours, the employer must ensure that the test takes place, and that the employee is not required to pay for the test from his or her own funds before the test takes place. You must also tell the employee that the employer may seek reimbursement for the cost of the test (see §40.173).”

The Drug and Alcohol Plan does require that the split specimen must be tested regardless of payment. The Drug and Alcohol Plan does not ensure that the test takes place, and that the employee is not required to pay for the test from his or her own funds before the test takes place. The Drug and Alcohol Plan does not require the MRO to tell the employee that the employer may seek reimbursement for the cost of the test.

NOA # 2015-A001-00060

CFR §40.127 titled: **“What are the MRO's functions in reviewing negative test results?”** states, “As the MRO, you must do the following with respect to negative drug test results you receive from a laboratory, prior to verifying the result and releasing it to the DER.”

The Drug and Alcohol Plan does not require that the MRO performs the review functions required by §40.127 for negative drug test results received from a laboratory, prior to verifying the result and releasing it to the DER.

NOA # 2015-A001-00062

CFR §40.123 titled: **“What are the MRO's responsibilities in the DOT drug testing program?”** states in paragraph (b), “Providing a quality assurance review of the drug testing process for the specimens under your purview.”

The Drug and Alcohol Plan does not require that the MRO's responsibilities include providing quality assurance reviews of the drug testing process.

NOA # 2015-A001-00046

CFR §40.67 titled: **“When and how is a directly observed collection conducted?”** states in paragraphs (a)-(b) & (d), “As an employer, you must direct an immediate collection under direct observation with no advance notice to the employee, if the laboratory reported to the MRO that a specimen is invalid, and the MRO reported to you that there was not an adequate medical explanation for the result. The MRO reported to you that the original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed; or the laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation (see § 40.197(b)(1)). As an employer, you must direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow-up test. As the employer, you must explain to the employee the reason for a directly observed collection under paragraph (a) or (b) of this section. As the collector, you must explain to the employee the reason, if known, under this part for a directly observed collection under paragraphs (c)(1) through (3) of this section.

In the Drug and Alcohol Program, procedures are not in place for direct observation with no advance notice to the employee, if the laboratory reported to the MRO that a specimen is invalid, and the MRO reported that there was not an adequate medical explanation for the result. In the Drug and Alcohol Program, procedures are not in place if the MRO reported that the original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed; or the laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation.

NOA # 2015-A001-00055

CFR §40.111 titled: **“When and how must a laboratory disclose statistical summaries and other information it maintains?”** states in paragraph (a), “As a laboratory, you must transmit an aggregate statistical summary, by employer, of the data listed in Appendix B to this part to the employer on a semi-annual basis.”

The Drug and Alcohol Plan does not require that the laboratory transmits an aggregate statistical summary, by employer, of the data listed in Part 40, Appendix B to the employer on a semi-annual basis.

NOA # 2015-A001-00071

CFR §40.99 titled: **“How long does the laboratory retain specimens after testing?”** states in paragraphs (a) & (b), “As a laboratory testing the primary specimen, you must retain a specimen that was reported with positive, adulterated, substituted, or invalid results for a minimum of one year. You must keep such a specimen in secure, long-term, frozen storage in accordance with HHS requirements.

The Drug and Alcohol Plan does require that laboratories testing the primary specimen retain a specimen that was reported with adulterated, substituted, or invalid results for a minimum of one year. The Drug and Alcohol Plan does require that the specimen must be kept in secure, long-term, frozen storage in accordance with HHS requirements.

NOA # 2015-A001-00065

CFR §40.97 titled: **“What do laboratories report and how do they report it?”** states in paragraph (b), “As a laboratory, you must report laboratory results directly, and only, to the MRO at his or her place of business. You must not report results to or through the DER or a service agent (e.g., C/TPA).”

The Drug and Alcohol Plan does require that laboratory results are reported directly, and only, to the MRO at his or her place of business.

NOA # 2015-A001-00042

CFR §40.15 titled: **“May an employer use a service agent to meet DOT drug and alcohol testing requirements?”** states in paragraph (d), “As an employer, you must not permit a service agent to act as your DER.”

The Drug and Alcohol Plan does not require that a service agent is not used to fulfill the function of a DER.

NOA # 2015-A001-00064

CFR §40.121 titled: **“Who is qualified to act as an MRO?”** states in paragraph (c), “Qualification training. You must receive qualification training meeting the requirements of this paragraph.”

In the Drug and Alcohol Plan, MRO positions do not require that the program meets the applicable qualification requirements listed in §40.121.

NOA # 2015-A001-00050

CFR §40.33 titled: **“What training requirements must a collector meet?”** states in paragraph (b), “Qualification training. You must receive qualification training meeting the requirements of this paragraph. Qualification training must provide instruction on the following subjects.”

In the Drug and Alcohol Plan, Urine Specimen Collector positions do not require that the program meets the applicable qualification requirements listed in CFR §40.33

NOA # 2015-A001-00056

CFR §40.281 titled: **“Who is qualified to act as a SAP?”** states in paragraph (c), “Qualification training. You must receive qualification training meeting the requirements of this paragraph.”

In the Drug and Alcohol Plan, SAP positions do not require that the program meets the applicable qualification requirements listed in CFR §40.281.

NOA # 2015-A001-00069

CFR §40.287 titled: **“What information is an employer required to provide concerning SAP services to an employee who has a DOT drug and alcohol regulation violation?”** states, “As an employer, you must provide to each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation a listing of SAPs readily available to the employee and acceptable to you, with names, addresses, and telephone numbers. You cannot charge the employee any fee for compiling or providing this list. You may provide this list yourself or through a C/TPA or other service agent.”

The Drug and Alcohol Plan does not require a listing with names, addresses, and telephone numbers of SAPs will be readily available to each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulations.

NOA # 2015-A001-00059

CFR §40.23 titled: **“What actions do employers take after receiving verified test results?”** states in paragraph (a), “As an employer who receives a verified positive drug test result, you must immediately remove the employee involved from performing safety-sensitive functions. You must take this action upon receiving the initial report of the verified positive test result. Do not wait to receive the written report or the result of a split specimen test.”

The Drug and Alcohol Plan does not assure or require that until a positive drug test is confirmed, the employee will be removed from performing safety-sensitive

functions. The Drug and Alcohol Plan does not require that the employer must take this action upon receiving the initial report of the verified positive test result.

NOA # 2015-A001-00049

CFR §40.21 titled: **“May an employer stand down an employee before the MRO has completed the verification process?”** states in paragraph (a), “As an employer, you are prohibited from standing employees down, except consistent with a waiver a DOT agency grants under this section.”

The Drug and Alcohol Plan does not state, standing down an employee before the MRO has completed the drug test verification process or that an approved waiver is granted per the requirements is prohibited. The plan must state the stand down process.

NOA # 2015-A001-00052

CFR §199.1 titled: **“Scope”** states, “This part requires operators of pipeline facilities subject to part 192, 193, or 195 of this chapter to test covered employees for the presence of prohibited drugs and alcohol.”

The Drug and Alcohol Plan did not list the covered positions that are required to be tested for the presence of prohibited drugs and alcohol.

NOA # 2015-A001-00045

CFR §199.105 titled: **“Drug tests required.”** states in paragraph (f), “Follow-Up Testing. A covered employee who refuses to take or has a positive drug test shall be subject to unannounced follow-up drug tests administered by the operator following the covered employee's return to duty. The number and frequency of such follow-up testing shall be determined by a substance abuse professional, but shall consist of at least six tests in the first 12 months following the covered employee's return to duty. In addition, follow-up testing may include testing for alcohol as directed by the substance abuse professional, to be performed in accordance with 49 CFR part 40. Follow-up testing shall not exceed 60 months from the date of the covered employee's return to duty. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.”

The Drug and Alcohol Plan does not require follow-up testing to be performed on an unannounced basis, at a frequency established by the MRO not the SAP, for a period of not more than 60 months. The Drug and Alcohol Plan does not require that at least six tests must be conducted within the first 12 months following the covered employee's return to duty.

NOA # 2015-A001-00043

CFR §40.305 titled: **“How does the return-to-duty process conclude?”** states in paragraph (a), “As the employer, if you decide that you want to permit the employee to return to the performance of safety-sensitive functions, you must ensure that the employee takes a return-to-duty test. This test cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.”

The Drug and Alcohol Plan does not identify a procedure for the employee to complete the SAP process as listed in CFR §40.305 and successfully complete a return-to-duty drug test before resuming performance of safety-sensitive duties.

NOA # 2015-A001-00039

CFR §40.67 titled: **“When and how is a directly observed collection conducted?”** states in paragraph (b), “As an employer, you must direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow-up test.”

The Drug and Alcohol Plan does not include a procedure that each return-to-duty test or follow-up test in relation to a test for drug use is performed under direct observation of a collector.

This letter serves as notice of inadequate procedures. A written response to this notice is requested by September 18, 2015. If you are contesting this Notice, include a detailed written explanation and any necessary supporting documents with your response.

If you are not contesting this Notice, the written response must acknowledge that amended procedures will be provided to this office by November 17, 2015. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed. Any correspondence must include the Inspection Report Number as well as the corresponding NOA Number.

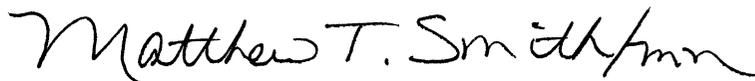
Failure to respond to this Notice and take corrective action will result in the issuance of a Notice of Probable Violation and initiation of a Citation Order that will subject Mt. Carmel to a penalty assessment as allowed under Section 7 of the Illinois Gas Pipeline Safety Act (220 ILCS 20/7).

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,

A handwritten signature in black ink that reads "Matthew T. Smith". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Matthew T. Smith
Interim Program Manager - Pipeline Safety

MTS/mn