

Inspection Output (IOR)

Generated on 2024.September.10 09:59

Report Filters

Assets All, and including items not linked to any asset.

Results All

Inspection Information

Inspection Name	8761 Augean Drug and Alcohol Inspection	Operator(s)	AUGEAN RNG PROJECT LLC (40216)	Plan Submitted	04/09/2024
		Lead	Derek Norwood	Plan Approval	04/16/2024 by Dennis Ritter
		Observer(s)	David Cullom, Lex Vinsel, Anthony Dorrough, Scott Anderson, John Trier, Marina Rathbun, Tom Green, Jason Hoxit	All Activity Start	03/18/2024
Status	LOCKED	Supervisor	Dennis Ritter	All Activity End	03/18/2024
Start Year	2024	Director	Scott Rukke	Inspection Submitted	04/17/2024
System Type	DA			Inspection Approval	04/17/2024 by Scott Rukke
Protocol Set ID	DA.2024.01				

Inspection Summary

Inspection Scope and Summary

This inspection was completed remotely via Microsoft Teams with a representative from Brightmark Energy and Everline Compliance. The inspection included review of Augean's Anti-Drug and Alcohol Misuse Prevention Plan and associated records from 2021-2023 for contractors and Augean employees. There are no probable violations or areas of a concern noted as a result of this inspection.

Facilities visited and Total AFOD

Inspection conducted remotely

1 AFOD

Summary of Significant Findings

(DO NOT Discuss Enforcement options)

There are no probable violations or areas of a concern noted as a result of this inspection.

Primary Operator contacts and/or participants

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Operator executive contact and mailing address for any official correspondence

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Scope (Assets)

#	Short Name	Long Name	Asset Type	Asset IDs	Excluded Topics	Planned	Required	Total Inspected	Required % Complete
1.	91044 (1603)	AUGEAN RNG	unit	91044	--	40	40	40	100.0%

1. Percent completion excludes unanswered questions planned as "always observe".

Plans

#	Plan Assets	Focus Directives	Involved Groups/Subgroups	Qst Type(s)	Extent	Notes
1.	91044 (1603)	--	DA	P, R, O, S	Detail	--

Plan Implementations

Activity #	SMART Name	Act#	Start Date	End Date	Focus Directives	Involved Groups/Subgroups	Assets	Qst Type(s)	Planned	Required	Inspected	Total	Required % Complete
1.	D&A	--	03/18/2024	03/18/2024	--	all planned questions	all assets	all types	40	40	40	40	100.0%

1. Since questions may be implemented in multiple activities, but answered only once, questions may be represented more than once in this table.
2. Percent completion excludes unanswered questions planned as "always observe".

Forms

No.	Entity	Form Name	Status	Date Completed	Activity Name	Asset
1.	Attendance List	D&A	COMPLETED	04/08/2024	D&A	91044 (1603)

Results (all values, 40 results)

DA.GENERAL: General Program Requirements

1. Question Result, ID, References **Sat, DA.GENERAL.DER.R, 40.3 (40.15(d), 40.355(k))**
 Question Text *Has the operator appointed a company employee as the Designated Employer Representative (DER)?*
 Assets Covered **91044 (1603)**
 Result Notes **DOT D&A Plan Appendix B identifies Kerry Read as the DER**
2. Question Result, ID, References **Sat, DA.GENERAL.SERVICEAGENTOVERSIGHT.P, 40.11(b) (40.11(c), 40.15(c), 40.341(a), 40.355(a), 40.355(m), 40.355(n))**
 Question Text *Does the process ensure the operator remains responsible for the actions of all its service agents, including a Consortium/Third Party Administrator (C/TPA)?*
 Assets Covered **91044 (1603)**
 Result Notes **DOT D&A Plan Section III.1**

DOT Compliance: The Company is aware that it is ultimately responsible for meeting the requirements of Parts 40 and 199. The DOT authorizes transportation employers to use a service agent(s) to perform tasks necessary to comply with the Plan. The Company understands that, under the DOT regulations, it is responsible for the actions of its Company Officials, Representative, & Service Agents. The Company is responsible for developing and implementing a successful and comprehensive DOT workplace drug and alcohol program. Components of the Company's program include clear policies, provisions for education and training, drug and alcohol testing, and when needed, referral for evaluation, education, and treatment. The Company shall ensure that all covered employees are aware of the provisions and coverage of the Plan.

3. Question Result, ID, References **Sat, DA.GENERAL.COVEREDEMPLOYEES.P, 199.3 (199.1, 40.347(b)(2))**

Question Text *Does the process result in the proper and complete identification of covered employees and the exclusion of non-covered employees?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan Section III.6

4. Question Result, ID, Sat, DA.GENERAL.PREVIOUSEMPLOYERRECORDS.P, 40.25(a) (40.25(b), 40.25(c), 40.25(d), 40.25(e), References 40.25(f), 40.25(g), 40.27, 40.321(b), 40.351(d))

Question Text *Does the process include previous employer DOT D&A record checks for employees seeking to perform covered functions for the first time (i.e., a new hire or an employee transferring into a safety-sensitive position)?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan Section IV.3

5. Question Result, ID, Sat, DA.GENERAL.NONDOTTESTS.P, 40.13(a) (40.13(b))
References

Question Text *Does the process separate and prioritize DOT drug and alcohol testing over all non-DOT drug and alcohol testing?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan Section III.6

6. Question Result, ID, Sat, DA.GENERAL.CONTRACTOROVERSIGHT.P, 199.115 (199.115(a), 199.115(b), 199.245(a), References 199.245(b), 199.245(c))

Question Text *If a contractor performs covered functions on the pipeline and is allowed to have its own D&A Programs, does the process ensure the contractor fully complies with Parts 199 and 40?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan Section IV.1

DOT D&A Plan Section VII.4

7. Question Result, ID, Sat, DA.GENERAL.MISREPORTS.P, 199.119(a) (199.3, 199.119(f), 199.229(a), 199.229(d), 40.26) References

Question Text *Does the process ensure D&A MIS reports are submitted annually to PHMSA as required?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan Section VII.6

DA.DRUG: Anti-Drug Program

8. Question Result, ID, Sat, DA.DRUG.PLAN.P, 199.101(a) (199.101(a)(1), 199.101(a)(2), 199.101(a)(3), 199.101(a)(4)) References

Question Text *Is a written Anti-Drug Plan in-place and maintained that conforms to the requirements of Part 199 and Part 40?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan

Effective Date May 21, 2021

9. Question Result, ID, Sat, DA.DRUG.SERVICEAGENTQUAL.R, 199.5 (199.107(a), 199.109(b), 40.33, 40.81(a), 40.121, 40.281) References

Question Text *Do records indicate that Anti-Drug program positions and/or service agents meet the applicable qualification requirements of Part 40 and Part 199?*

Assets Covered 91044 (1603)

Result Notes MRO Marshall Zablen Certified date 2/8/22, expire 2/8/27

SAP Hilaine Rogers Certified 03/22/21

Reviewed urine specimen collector and breath alcohol tech certificate

Clinical Reference Laboratory

8433 Quivira Rd

Lenexa, KS

10. Question Result, ID, References **Sat, DA.DRUG.PROHIBITEDDRUGS.P, 199.3 (40.3)**
Question Text *Does the process require that DOT drug tests are only conducted for the "prohibited drugs" specified in Part 40?*
Assets Covered **91044 (1603)**
Result Notes **DOT D&A Plan Table 1**
11. Question Result, ID, References **Sat, DA.DRUG.PREEMPLOYMENT.P, 199.105(a) (199.105(c)(5))**
Question Text *Does the process require that no individual is allowed to perform a covered function unless that individual passes a drug test or is covered by an anti-drug program that conforms to Part 199?*
Assets Covered **91044 (1603)**
Result Notes **DOT D&A Plan Section V.1**
12. Question Result, ID, References **Sat, DA.DRUG.POSTACCIDENT.P, 199.105(b) (199.117(a)(5), 40.355(g), 40.355(h))**
Question Text *Does the process ensure that post-accident drug testing is conducted as required?*
Assets Covered **91044 (1603)**
Result Notes **DOT D&A Plan Section V.1**
13. Question Result, ID, References **Sat, DA.DRUG.RANDOM.P, 199.105(c)(5) (199.105(c)(6), 199.105(c)(7), 199.105(c)(8), 199.105(c)(9))**
Question Text *Does the process ensure that random drug testing is conducted as required?*
Assets Covered **91044 (1603)**
Result Notes **DOT D&A Plan Section V.1**
14. Question Result, ID, References **Sat, DA.DRUG.REASONABLECAUSE.P, 199.105(d) (199.117(a)(3), 40.355(g), 40.355(h))**
Question Text *Does the process ensure that reasonable cause drug testing is conducted as required?*
Assets Covered **91044 (1603)**
Result Notes **DOT D&A Plan Section V.1**
15. Question Result, ID, References **Sat, DA.DRUG.RETURNTODUTY.P, 199.105(e) (Part 40 Subpart O, 40.67(b), 40.285(a), 40.289(b), 40.305(a))**
Question Text *Does the process ensure that return-to-duty drug testing is conducted as required?*
Assets Covered **91044 (1603)**
Result Notes **DOT D&A Plan Section V.1**
16. Question Result, ID, References **Sat, DA.DRUG.FOLLOWUPTTEST.P, 199.105(f) (40.67(b), 40.307, 40.309)**
Question Text *Does the process ensure that follow-up drug testing is conducted as required?*
Assets Covered **91044 (1603)**
Result Notes **DOT D&A Plan Section V.1**
17. Question Result, ID, References **Sat, DA.DRUG.MRODUTIES.P, 199.109(c) (199.109(a), 40.123(a), 40.123(b), 40.123(c), 40.123(e), 40.123(f), 40.123(g), Part 40 Subpart G)**
Question Text *Does the process ensure the MRO performs functions as required by DOT Procedures?*
Assets Covered **91044 (1603)**
Result Notes **DOT D&A Plan Section V.8**
18. Question Result, ID, References **Sat, DA.DRUG.MROTESTREPORTS.P, 199.109(d) (Part 40 Subpart G, 40.345(a), 40.345(b), 40.345(c), 40.355(b), 40.355(c))**
Question Text *Does the process ensure the MRO reports all drug test results to the DER as required?*
Assets Covered **91044 (1603)**
Result Notes **DOT D&A Plan Section V.8**
19. Question Result, ID, References **Sat, DA.DRUG.STANDOWNREMOVAL.P, 199.103(a) (199.7(a), 40.21(a), 40.21(b), 40.23(a), 40.23(b), 40.23(d), 40.287)**

Question Text *Does the process ensure an employee is immediately removed from performing covered functions after failing or refusing a drug test?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan Section IV.7

20. Question Result, ID, References Sat, DA.DRUG.EAP.P, 199.113(a) (199.113(b), 199.113(c))

Question Text *Does the process ensure that an EAP is established and available to employees and supervisory personnel?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan Section VII.2

DA.ALCOHOL: Alcohol Misuse Prevention Program

21. Question Result, ID, References Sat, DA.ALCOHOL.PLAN.P, 199.202

Question Text *Is a written Alcohol Misuse Plan in-place and maintained that conforms to the requirements of Part 199 and Part 40?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan

Effective Date May 21, 2021

22. Question Result, ID, References Sat, DA.ALCOHOL.SERVICEAGENTQUAL.R, 199.5 (40.213)

Question Text *Do records indicate that Alcohol Misuse Prevention Program positions and/or service agents meet the applicable qualification requirements of Part 40 and Part 199?*

Assets Covered 91044 (1603)

Result Notes MRO Marshall Zablen Certified date 2/8/22, expire 2/8/27

SAP Hilaine Rogers Certified 03/22/21

Reviewed urine specimen collector and breath alcohol tech certificate

Clinical Reference Laboratory

8433 Quivira Rd

Lenexa, KS

23. Question Result, ID, References Sat, DA.ALCOHOL.PROHIBITEDCONDUCT.P, 199.233 (199.215, 199.217, 199.219, 199.221, 199.223, 40.23(c), 40.285(a), 40.285(b))

Question Text *Does the process ensure that a covered employee is not permitted to perform covered functions if the employee has engaged in prohibited conduct or an alcohol misuse rule of another DOT agency?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan Section IV.6

24. Question Result, ID, References Sat, DA.ALCOHOL.SCREENINGTESTDEVICES.P, 40.229 (40.235(e))

Question Text *Does the process for alcohol screening tests restrict the use of alcohol screening devices (ASDs) to the devices and associated requirements referenced by Part 40?*

Assets Covered 91044 (1603)

Result Notes DOT D&A Plan Section VI.2

Personnel and Testing Devices

25. Question Result, ID, References Sat, DA.ALCOHOL.CONFIRMATIONTESTDEVICES.P, 40.231(a) (40.233(c))

Question Text *Does the process for alcohol confirmation tests restrict the use of Evidential Breath Testing Devices (EBTs) to the devices and associated requirements referenced by Part 40?*

Assets Covered 91044 (1603)
Result Notes DOT D&A Plan Section VI.2

Personnel and Testing Devices

26. Question Result, ID, References NA, DA.ALCOHOL.PREEMPLOY.P, 199.209(b) (199.209(b)(1), 199.209(b)(2), 199.209(b)(3))
Question Text *If pre-employment alcohol testing is conducted, does the process ensure that such testing is performed within the limits of Part 199?*
Assets Covered 91044 (1603)
Result Notes No such requirement existed in the scope of inspection review.
27. Question Result, ID, References Sat, DA.ALCOHOL.POSTACCIDENT.P, 199.225(a) (199.225(a)(1), 199.225(a)(2), 199.225(a)(3), 199.227(b)(4))
Question Text *Does the process ensure that post-accident alcohol testing is conducted as required?*
Assets Covered 91044 (1603)
Result Notes DOT D&A Plan Section VI.1

Post-Accident Testing

28. Question Result, ID, References Sat, DA.ALCOHOL.REASONSUSPECT.P, 199.225(b) (199.225(b)(1), 199.225(b)(2), 199.225(b)(3), 199.225(b)(4), 40.355(g), 40.355(h))
Question Text *Does the process ensure that reasonable suspicion alcohol testing is conducted as required?*
Assets Covered 91044 (1603)
Result Notes DOT D&A Plan Section VI.1

Reasonable Suspicion Testing

29. Question Result, ID, References Sat, DA.ALCOHOL.RETURNDUTY.P, 199.225(c) (199.233, 199.243(c), 40.67(b), 40.285(a), 40.305(a))
Question Text *Does the process ensure that return-to-duty alcohol testing is conducted as required?*
Assets Covered 91044 (1603)
Result Notes DOT D&A Plan Section VI.1

Return-to-Duty Testing

30. Question Result, ID, References Sat, DA.ALCOHOL.FOLLOWUPTTEST.P, 199.225(d) (199.243(c)(2)(ii), 40.307(a), 40.307(b), 40.309(a))
Question Text *Does the process ensure that follow-up alcohol testing is conducted as required?*
Assets Covered 91044 (1603)
Result Notes DOT D&A Plan Section VI.1

Follow-up Testing

31. Question Result, ID, References Sat, DA.ALCOHOL.SCREENINGTEST.P, 40.247(a)
Question Text *Does the process ensure that alcohol screening test results are reported as required to the DER?*
Assets Covered 91044 (1603)
Result Notes DOT D&A Plan Section VI.3
32. Question Result, ID, References Sat, DA.ALCOHOL.CONFIRMATIONTEST.P, 40.255(a) (40.355(d))
Question Text *Does the process ensure that alcohol confirmation test results are reported as required to the DER?*
Assets Covered 91044 (1603)
Result Notes DOT D&A Plan Section VI.3
33. Question Result, ID, References Sat, DA.ALCOHOL.OTHERCONDUCT.P, 199.237(a) (199.237(b), 40.23(c))
Question Text *Does the process ensure that a covered employee is prohibited from performing or continuing to perform covered functions when found to have an alcohol concentration of 0.02 or greater but less than 0.04?*
Assets Covered 91044 (1603)

Result Notes DOT D&A Plan Section IV.6

34. Question Result, ID, References Sat, DA.ALCOHOL.EMPLOYEERESOURCES.P, 199.243(a) (40.285(b))
Question Text *Does the process ensure that each covered employee who has engaged in prohibited conduct is advised of the resources available to the covered employee in evaluating and resolving problems associated with the misuse of alcohol?*
Assets Covered 91044 (1603)
Result Notes DOT D&A Plan Section VII.1
35. Question Result, ID, References Sat, DA.ALCOHOL.EDUCATION.R, 199.239(a) (199.239(a)(1), 199.239(a)(2))
Question Text *Do records indicate educational materials were provided that explain alcohol misuse requirements and the policies and procedures with respect to meeting those requirements?*
Assets Covered 91044 (1603)
Documents Reviewed 1. -- -- -- Doc Reviewed - DN - 8:41am

Result Notes Reviewed EAP Poster (Attached)

36. Question Result, ID, References Sat, DA.ALCOHOL.EDUCATIONCONTENT.R, 199.239(b)
Question Text *Do records indicate the alcohol misuse educational materials provided by the operator included the required content?*
Assets Covered 91044 (1603)
Result Notes Reviewed EAP Poster (Attached)
- Document contains all required info

37. Question Result, ID, References Sat, DA.ALCOHOL.SUPERVISORTRAINALCOHOL.P, 199.241
Question Text *Does the process include the required 60-minute supervisory personnel training related to recognizing reasonable suspicion for alcohol testing?*
Assets Covered 91044 (1603)
Result Notes DOT D&A Plan Section VII.3

DA.PROGRAMRECORDS: Drug and Alcohol Program Records

38. Question Result, ID, References Sat, DA.PROGRAMRECORDS.RECORDKEEPING.R, 199.117(b) (199.227(a), 199.231(b), 40.333(c), 40.333(d), 40.333(e))
Question Text *Are drug and alcohol program records maintained and kept in a secure and proper location?*
Assets Covered 91044 (1603)
Result Notes Stored on secure internal files, controlled access within the company
39. Question Result, ID, References Sat, DA.PROGRAMRECORDS.DRUG.R, 199.117(a) (199.117(a)(1), 199.117(a)(2), 199.117(a)(3), 199.117(a)(4), 199.117(a)(5), 40.97(b), 40.111(a), 40.333(a)(1), 40.333(a)(2), 40.333(a)(4))
Question Text *Are drug test records retained for five years, three years, and one year as required and readily available?*
Assets Covered 91044 (1603)
Result Notes Reviewed MIS reports and supervisor training
40. Question Result, ID, References NA, DA.PROGRAMRECORDS.ALCOHOL.R, 199.227(b) (199.227(b)(1), 199.227(b)(2), 199.227(b)(3), 199.227(b)(4), 40.333(a)(1), 40.333(a)(2), 40.333(a)(3), 40.333(a)(4))
Question Text *Are alcohol test records retained for five years, three years, two years, and one year as required and readily available?*
Assets Covered 91044 (1603)
Result Notes No such event occurred, or condition existed, in the scope of inspection review.

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