



**SFM Pipeline Safety Office Use Only:**

No action taken, placed in file:  Sent to SFM Incident File  Placed in "Gas Operator" file

Deputy assigned to investigate: 8731 Incident Number: \_\_\_\_\_ Fire Number: 120-032

Meets requirements of 49 CFR Part 191.5  (Operator must report to NRC) Meets requirements of SFM Title 155, Chapter 1-002

**NEBRASKA STATE FIRE MARSHAL**  
**Fire Incident Report**

**CASE INFORMATION**

Deputy: Mike Stromitis	Assigned By: Jack Malicky	Case No: 120-032	Case Status: Closed
Address: 4107 Avenue E		City:Kearney	State:NE Zip:68847
County: Buffalo	Occupancy Type:Residential	Date of Incident: 01-20-12	Time of Incident:0231
Date of Request: n/a	Time of Request: n/a	Date of Arrival: 01-23-12	Time of Arrival: 1300
Case Subject: n/a		Total Loss: \$7,500.00	Requesting Agency: Pipeline Safety
Requesting Person: Chief Clark Conklin	Responding Fire Dept: Kearney Fire	Official Spoken With: None	

**FIRE DETAILS**

Cause: Smoking		Area of Origin: Cook Area/Kitchen	
Heat Source:Cigarette		Item First Ignited: Natural Gas vapors	Lightning: None
Weather Conditions: Cold	Wind Speed:15 mph	Wind Direction:sse	Temperature:12.2 F Humidity:67%
Incendiary Container: None		Ignition Device: Cigarette	Fuel: Flammable Gas

**STRUCTURE INFORMATION**

Structure Type: Enclosed Building	Building Status: Occupied Operating	Construction Type: Wood-Framed	
Extent of Damage: Extensive Fire-Smoke		Smoke Detector: Unknown	Heat Detector: Unknown
Gas Detector: Unknown	Flame Detector:Unknown	Automatic Sprinkler Alarm: No	
Automatic Sprinkler: No	Number of Floors: 2	Dimensions: 40' x 30'	Structure Name:
Suspected Meth Lab: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Utilities: <input checked="" type="checkbox"/> Electrical <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Gas		

**VEHICLE INFORMATION**

Type of Vehicle: n/a	VIN: n/a	Plate: n/a	State Issued: n/a	Make: n/a
Model: n/a	Year: n/a	Area of Origin: n/a	Vehicle Status: N/A	

**INSURANCE INFORMATION**

Company: n/c		Address: n/c		City: n/c
State: n/c	Zip: n/c	Policy No: n/c	Claim No: n/c	Owner <input type="checkbox"/> Occupant <input type="checkbox"/>
Date Issued: n/c	Date Expired: n/c	Property Amount: \$n/c	Contents Amount: \$n/c	
Property Loss: \$n/c	Contents Loss: \$n/c			
Company: n/c		Address: n/c		City: n/c
State: n/c	Zip: n/c	Policy No: n/c	Claim No: n/c	Owner <input type="checkbox"/> Occupant <input type="checkbox"/>
Date Issued:n/c	Date Expired:n/c	Property Amount: \$n/c	Contents Amount: \$n/c	
Property Loss: \$n/c	Contents Loss: \$n/c			

**PEOPLE IN THE CASE**

Name: Matthew Gill	Relation to Case: In home	Juvenile: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Address (if applicable) : 4107 Avenue E		City: Kearney	State: NE	Zip: 68847
Name: Mike Carmody	Relation to Case: Owner of Property	Juvenile: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Address (if applicable) : 3065 Odessa		City: Kearney	State: NE	Zip: 68845
Name: Mike Sammons	Relation to Case: Northwestern Manager	Juvenile: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Address (if applicable) : N/A		City: Kearney	State: NE	Zip:
Name: Gene Simpson	Relation to Case: Northwestern Gas Foreman	Juvenile: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Address (if applicable) : N/A		City: Kearney	State: NE	Zip:

NEBRASKA STATE FIRE MARSHAL  
Fire Incident Report

Deputy: Mike Stromitis

Signature: Mike Stromitis

Date: 01-23-2012

NEBRASKA STATE FIRE MARSHAL  
246 S. 14<sup>th</sup> Street  
Lincoln, NE 68508

**INVESTIGATIVE SUPPLEMENTAL REPORT**

Case #: 120-032      Date of Report: 01-23-2012      Date of Incident: 01-20-2012

**BODY OF REPORT:**

On Friday January 20, 2012, this SFM Deputy, Mike Stromitis, received a phone call from Melissa Baruth from Northwestern Energy. On the phone call with Mrs. Baruth was Mike Sammons and Gene Simpson. Mr. Simpson reported there was a house fire at 4107 Ave E in Kearney, NE around 0300 hrs. Friday morning. 2 individuals were trying to cook breakfast. A flattop gas range apparently had the pilot ignition not working and they could not get the range top to come on. They decided to check on why the range would not work and pulled it away from wall. In the removal process pulled the gas flex connector causing it to break at the coupling. Not realizing the connector was broke, they pushed the range back into its location. They went into the garage where they lit a cigarette which was the ignition source for leaking natural gas. The two individuals suffered some singed hair and apparently minor first degree burns. Fire Department responded, shut-off gas, put fire out. The individuals refused to go to hospital. NW Energy personnel responded and noted gas level in home was still at 3% LEL gas in atmosphere in the crawl space. In the kitchen area, there was no gas presence noted. Per NW Energy personnel the home did not show concussion damage, just fire damage, and damage appeared to be less then \$20,000.00. Per fire department NEFIRS report, damage is noted as \$7,500.00. Gas Company locked off the gas meter until repair to the cook stove could be made safe.

Notified Supervisor Chief Conklin, and he said as I was out of time, to do a follow-up on Monday. Sent in my telephonic report of fire.

Monday January 23, 2012, drove to Kearney and received a NEFIRS report from Kearney Fire Department and the met with Northwestern's Gene Simpson and Manager Mike Sammons. Discussion on making a Telephonic Report and Title 155 requirements. Afterward drove to 4107 Avenue E, but no one was at home. Noted the gas meter had been turned back on. Mr. Simpson said after verifying Gas stove connection was secured the gas was turned back on after verification no leaks in remaining piping. Repairs had not been done to either the gas tubing connection nor had any kitchen repair.

**CONCLUSION:**

The following is derived from Kearney Fire Report of fire: Fire was accidental, cause of ignition unintentional. Fire was contained in cooking area of the kitchen, although probable smoke damage occurred in other areas. Ignition of natural gas.

<b>Deputy Name:</b>	Mike Stromitis	<b>Signature:</b>	Mike Stromitis				
<b>Agency Address:</b>	246 South 14 <sup>th</sup> St.	<b>City:</b>	Lincoln	<b>State:</b>	NE	<b>Zip:</b>	68508

**END OF REPORT**

# STATE OF NEBRASKA

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Dave Heineman  
Governor



STATE FIRE MARSHAL  
John Falgione

Fire Marshal

## Notice of Probable Violation

January 30, 2012

Ms. Melissa Baruth  
NorthWestern Energy  
600 Market Street SW  
Huron, SD 57350

Dear Ms. Baruth,

On January 20, 2012, at 0231 hours, a fire occurred at 4107 Avenue E in Kearney, NE. The cause of the fire was ignition of leaking natural gas in the home's kitchen caused by a damaged gas tubing connection for the cook stove. The Kearney Fire Department responded arriving at 0239 hours and considered the scene safe and departed at 0400 hours.

Deputy State Fire Marshal Mike Stromitis received the required telephonic notification of the release of gas and the resulting fire at 0827 hours on January 20, 2012, from NorthWestern. Involved with the phone call were you, Ms. Baruth, NorthWestern's Gas Foreman, Gene Simpson and NorthWestern's Kearney Manager, Mike Sammons. From the phone call and with a meeting on January 23, 2012, with Mr. Simpson and Mr. Sammons, Deputy Stromitis determined Gas Foreman Gene Simpson was on scene with the Kearney Fire Department during the emergency. Mr. Simpson assisted Kearney Fire in verifying no remains of natural gas vapor were in the home using LEL detection and ensured the home's gas meter was secured and locked before he left.

After the Fire Department left the scene, 4 hours and 27 minutes passed before notification was made to Nebraska State Fire Marshal's Office of Pipeline Safety. Upon arrival on the scene and being notified natural gas was involved in the incident, we believe NorthWestern should have, and could have, made the required telephonic report to Nebraska's State Fire Marshal area Pipeline Safety Deputy within the two hour time frame as required in Nebraska Administrative Code Title 155 and has thus committed a probable violation of Title 155.

□ **MAIN OFFICE**  
□ **DISTRICT A**  
246 South 14<sup>th</sup> Street  
Lincoln, NE 68508-1804  
(402) 471-2027

□ **DISTRICT B**  
438 West Market  
Albion, NE 68620-1241  
(402) 395-2164

□ **DISTRICT C**  
200 South Silber  
North Platte, NE 69101-4219  
(308) 535-8181

■ **FUELS DIVISION**  
□ **FLST** ■ **Pipeline**  
246 South 14<sup>th</sup> Street  
Lincoln, NE 68508-1804  
(402) 471-9465

□ **TRAINING DIVISION**  
2410 North Wheeler Avenue  
Suite 112  
Grand Island, NE 68801-2376  
(308) 385-6892

Nebraska Administrative Code Title 155, Chapter 1, Part 002. states within two (2) hours or as soon as practical, following the discovery of any reportable incident, an operator shall notify the State Fire Marshal Pipeline Safety Division, Lincoln, Nebraska at (402) 471-2027 during normal business hours. After hours, operators shall call the area Pipeline Safety Deputy.

002.01. Reportable incidents, either before or past the meter are:

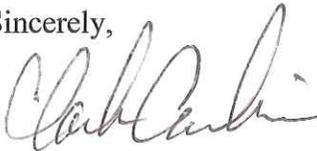
- 002.01Ai. A death or personal injury necessitating in-patient hospitalization; or
- 002.01Aii. Estimated property damage, including cost of gas lost, of the operator or others, or both of \$50, 000.00 or more; or
- 002.01Aiii. Any failure which results in the explosion or ignition of natural gas.

Whenever the State Fire Marshal has reason to believe any person is violating any provision of subsection (1) of section 81-545 of the Nebraska Natural Gas Pipeline Safety Act of 1969 or any regulation under the Nebraska Natural Gas Pipeline Safety Act of 1969, the State Fire Marshal may request the Attorney General of Nebraska to bring an action under section 81-547 of the Nebraska Natural Gas Pipeline Safety Act of 1969 in the district court of the county in which the defendant's principal place of business is located. The district court may impose a civil penalty not to exceed ten thousand dollars for each violation for each day that such violation persists, except that the maximum civil penalty shall not exceed five hundred thousand dollars for any related series of violations. The district court shall have jurisdiction to restrain violations of the Nebraska Natural Gas Pipeline Safety Act of 1969 including the restraint of transportation of gas or the operation of a pipeline facility.

**We request that NorthWestern Energy respond to this Notice of Probable Violation within 30 days of receipt of this letter and reference #20120130-N on the return correspondence to our office.** The response may accept the findings and state a plan of action to address the concerns or, the response may disagree with the finding. If NorthWestern Energy chooses to disagree with the findings, please justify your position in the response.

We again stress the State Fire Marshal takes Title 155 and 49 CFR 191 reporting requirements very seriously and encourage you to continue educating your personnel concerning these requirements.

Sincerely,



Clark Conklin  
Chief Deputy, Pipeline Safety  
Nebraska State Fire Marshal



Wm Mike Stromitis  
Deputy, Pipeline Safety  
Nebraska State Fire Marshal



Melissa J. Baruth  
DOT Coordinator  
Telephone: (605)353-7462  
e-mail:  
Melissa.baruth@northwestern.com

NorthWestern Corporation  
d/b/a NorthWestern Energy  
600 Market Street  
Huron, SD 57350  
Telephone: 800-245-6977  
Facsimile: (605)353-7513  
www.northwesternenergy.com

February 10, 2011

Received on:

FEB 13 2012

NE State Fire Marshal

Clark Conklin  
Chief Deputy, Pipeline Safety  
Nebraska State Fire Marshal  
246 South 14<sup>th</sup> Street  
Lincoln, NE 68508-1804

Re: Response to NPV #20120130-N

Dear Chief Deputy Conklin and Deputy Stromitis:

This letter confirms receipt of the letter sent on January 20, 2012 in regards to the fire at 4107 Avenue E in Kearney. The fire was a result of a leaking gas tubing connection to the kitchen stove which was ignited. NorthWestern concurs the event met the requirements of Title 155 and required notification of Nebraska State Fire Marshall office. NorthWestern also agrees a NorthWestern technician did respond to the event prior to 0400 hours on January 20, 2012. However, NorthWestern failed to notify your office in a timely manner committing a violation of Title 155 by waiting until 0827 to notify Deputy Stromitis.

On January 20, 2012 NorthWestern Area Manager, Mike Sammons, revisited the requirements of Title 155 with the NorthWestern Kearney employees. In addition NorthWestern will review the requirements of Title 155 with all Nebraska employees during the annual Emergency Response training on February 20 and 21, 2012.

If you have additional questions please feel free to contact me at (605) 353-7462.

Sincerely,

Melissa J. Baruth  
DOT Coordinator  
NorthWestern Energy

CC: Deputy Mike Stromitis

# STATE OF NEBRASKA

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## Letter of Approval

Dave Heineman  
Governor

STATE FIRE MARSHAL  
John Falgione  
Fire Marshal

April 6, 2012

Ms. Melissa Baruth  
NorthWestern Energy  
600 Market Street SW  
Huron, SD 57350

Dear Ms. Baruth,

RE: Correction of Probable Violations to Title 155 reporting requirements  
20111102-N & 20120130-N

On November 2, 2011, a "Notice of Probable Violation" was issued to NorthWestern Energy which indicated a violation to the reporting requirements of Title 155 of Nebraska's Administrative Code Chapter 1.001. This violation occurred in North Platte, NE on November 2, 2011 and concerned failure to report the incident within the time frame required.

On December 20, 2011, NorthWestern responded with acknowledgement of the violation and that you had revisited the requirements of Title 155 with the employees of the North Platte office.

On January 30, 2012, a second "Notice of Probable Violation" was issued to NorthWestern Energy which also indicated a violation to the reporting requirements of Title 155 of Nebraska's Administrative Code Chapter 1.001. This violation occurred in Kearney, NE on January 20, 2012 and concerned failure to report the incident within the time frame required.

On February 10, 2012, NorthWestern responded with acknowledgement of the violation and that you had revisited the requirements of Title 155 with Kearney's office. Both letters from NorthWestern indicated the requirements of Title 155 would be reviewed with all of NorthWestern's employees in Nebraska during the annual Emergency Response training that was to be held on February 20 and 21 at each of Nebraska's offices.

**MAIN OFFICE**

**DISTRICT A**  
246 South 14<sup>th</sup> Street  
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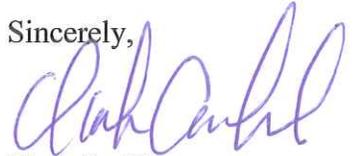
**TRAINING DIVISION**

2410 North Wheeler Avenue  
Suite 112  
Grand Island, NE 68801-2376  
(308) 385-6892

Our representative, Deputy State Fire Marshal Mike Stromitis, attended each of the trainings NorthWestern conducted on February 20 and 21, 2012, and believes the requirements of Title 155 was extensively reviewed with all of NorthWestern's Nebraska employees. It is believed NorthWestern has taken steps to ensure requirements of Title 155 to be observed

We again stress the State Fire Marshal takes Title 155 and 49 CFR 191 reporting requirements very seriously and encourage you to continue educating your personnel concerning these requirements.

Sincerely,



Clark Conklin  
Chief Deputy, Pipeline Safety  
Nebraska State Fire Marshal



Wm Mike Stromitis  
Deputy, Pipeline Safety  
Nebraska State Fire Marshal