



TELEPHONIC REPORT FROM GAS COMPANIES FOR PIPELINE INCIDENTS



Please use "SFM Call Tree" for phone contacts when reporting pipeline incidents. When State Fire Marshal personnel receive telephonic notification of an incident they will ask for the information required to complete this form. If any information is not known at the time of the telephonic notification, mark "UNKNOWN".

****ALL TIMES REQUESTED BELOW SHALL BE MILITARY (24 HOUR)****

Date received at Fire Marshal's Office: 9/19/2012 Time received (military): 1449

Person at Fire Marshal's office receiving notification of incident: Stephen Lucas

Type of incident: **GAS LEAK** **EXPLOSION** **FIRE** **OTHER**

Gas operator name: Black Hills Energy Date of incident: 9/19/2012 Time of Incident: 0700

Exact location of Incident: 739 North 11th, Blair

What was the preliminary cause of the incident: House fire in Blair reported gas leaking from meter detected.

Name of person reporting incident: Tim Proksel

Telephone number of person reporting incident: (402) 935-4860

Has the incident been reported to D.O.T. in Washington D.C.? **YES** **NO** If Yes what time _____

Was there a fatality? **YES** **NO** **UNKNOWN**

Names: _____ _____
 _____ _____

Was there an injury requiring hospitalization? **YES** **NO** **UNKNOWN**

Names: _____ _____
 _____ _____

Was the initial estimate of property damage (including lost gas) \$50,000 or more? **YES** **NO** **UNKNOWN**

Is the Fire Department on the scene? **YES** **NO** **UNKNOWN**

Is there a State Fire Marshal on the scene? **YES** **NO** **UNKNOWN**

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: 8715 Incident Number: _____ Fire Number: 120452

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
246 S. 14th Street
Lincoln, NE 68508

INVESTIGATIVE SUPPLEMENTAL REPORT

Case #: 120452 Date of Report: 10-15-2012 Date of Incident: 09-19-2012

PERSONS MENTIONED IN REPORT:

Dave Aten Blair Volunteer Fire Chief (402) 533-2034
Tim Proksel Black Hills Energy (BHE) Operations Supervisor (402) 935-4870

BODY OF REPORT:

Dave ATEN said on September 19, 2012 he was the incident commander at the scene of the fire at 739 North 11th Street in Blair and as standard procedure he ordered the utilities shut off. ATEN said he observed bubbles coming up out of the ground around the service line riser after Blair Fire Department Personnel shut off the natural gas service valve. ATEN said that after the fire was out he interviewed everyone and ATEN said that nobody reported smelling natural gas. ATEN said the cause of the fire is still unknown and it appears to have originated in the living room.

Tim PROKSEL said he was on the scene on September 19, 2012 and Blair Volunteer Fire Department requested they disconnect the service line to 739 North 11th Street because the service line was leaking upstream of the service valve. PROKSEL said the meter and service would remain at the scene of the fire until the investigation was complete and BHE was given the all clear to remove their equipment. PROKSEL provided records of qualification that indicated the BHE personnel responding to the incident and disconnecting the service line were qualified. PROKSEL provided records showing odorant was readily detectable in the gas distribution system before the incident.

I observed that the gas meter appeared to have an arc burn on the side and that all the plastic parts had been burned off the gas meter and the service regulator. The heat appeared to have been intense enough to melt the solder in the pipe connections on the air conditioner which was beside the gas meter set about a foot further away from the house. I observed heavy charring of the house and I observed no indication of a gas explosion inside the house or that natural gas was involved, except after the intense heat of the house fire degraded the strength of the natural gas equipment and piping resulting in a natural gas leak from the Plastic pipe in the riser from which natural gas escaped from the risers open end underground.



TIMELINE:

September 19, 2012

- 0528 hours BHE Notified of fire at 739 North 11th Street in Blair
- 0544 hours BHE Technician arrives at 739 North 11th Street in Blair
- 0647 hours BHE declares scene Code 2
- 0857 hours BHE declares scene Code 3
- 1030 hours BHE departs scene
- 1449 hours BHE reports incident to Pipeline Safety Division Deputy 8715

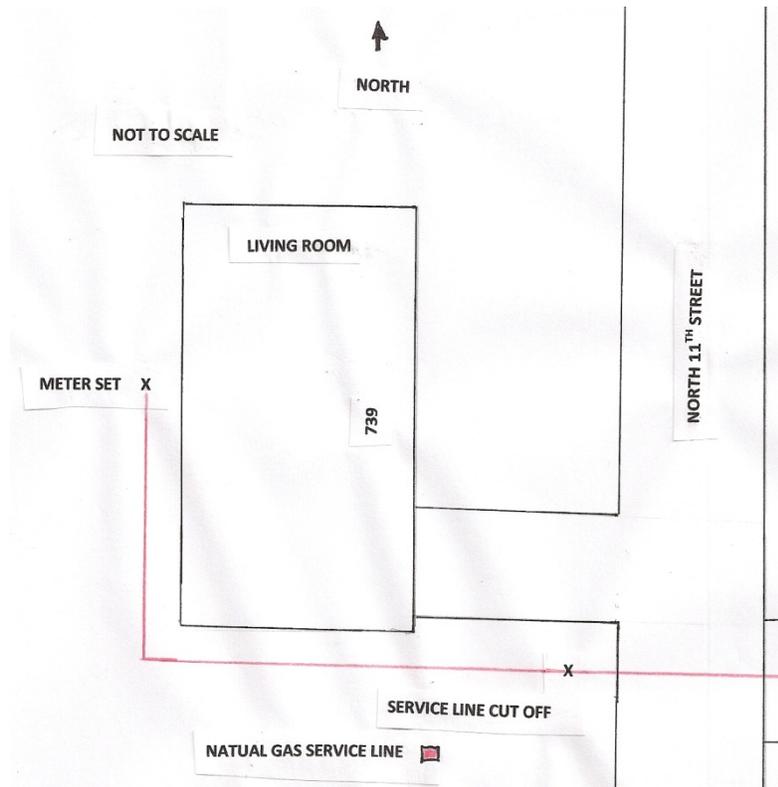
September 20, 2012

- 1500 hours DSFM 8715 arrived at 739 North 11th Street in Blair

October 4, 2012

- 1600 hours DSFM 8715 interviewed Dave Aten at Blair Fire Department Barn.

DIAGRAM:



CONCLUSION:

It appears the intense heat from the house catching on fire from an unknown ignition source in the living room of the house caused the failure of the natural gas meter, natural gas service regulator, and perhaps the Plastic service line inside the service riser. This failure did result in a natural gas leak and an ignition of natural gas. I observed no violations of pipeline safety regulations. This report reflects the facts as I know them on this date.

Deputy Name:	Stephen Lucas DSFM 8715	Signature:	Stephen Lucas				
Agency Address:	246 South 14 th	City:	Lincoln	State:	NE	Zip:	68508

END OF REPORT

STATE OF NEBRASKA



Notice of Probable Violation

Dave Heineman
Governor

STATE FIRE MARSHAL
John Falgione
Fire Marshal

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 2, 2012

Mr. Tim Proksel
Operations Manager
Black Hills Energy
501 West 6th Street
Papillion, NE 68046

RE: Incident Investigation

On September 20, 2012, pursuant to the Nebraska Natural Gas Pipeline Safety Act of 1969, a representative of the Nebraska State Fire Marshal's Office Pipeline Safety section conducted an investigation of Black Hills Energy's emergency response in Blair. As a result of this inspection it appears that you have committed a probable violation of Title 155 Nebraska Administrative Code Chapter 1.001 adopting by reference Pipeline Safety Regulations Title 49, Code of Federal Regulations, Part 191, 192, 199, & 40.

The following details the specific finding of the inspection as it relates to the probable violation. The item in blue is the Part 192 reference, followed in black by our findings.

§ 192.605 Procedural manual for operations, maintenance, and emergencies

(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities...

It appears that Black Hills Energy did not follow the Black Hills Energy Emergency Plan manual section 1.4.9 C. which says *Telephonic Reporting— State Commissions require a telephonic notice within two (2) hours of when a reportable incident/accident or event occurs. Some State Commissions also like to receive a courtesy-type call regardless of whether it is actually determined to be an incident/accident as defined by state or federal regulations so that the State Pipeline Safety Personnel will know what is happening if they receive calls. Reference specific state appendices in Emergency Plan Manual Section 9. The*

MAIN OFFICE
 DISTRICT A
246 South 14th 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 14th Street
Lincoln, NE 68508-1804
(402) 471-9465

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

Operations Manager or their designated on-call person is responsible for making this call. On-scene personnel can use the Incident Worksheet or equivalent form at the end of this section to gather information during an incident/accident/event. It appears BHE was notified of the event at 739 North 11th in Blair at 0544 hours on September 19, 2012 and did not notify the Nebraska State Fire Marshal Pipeline Safety Division until 1449 hours September 19, 2012.

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 Black Hills Energy respond to within 30 days of receipt of this letter and reference 20121102-N on the return correspondence to our office. The response may accept the finding and state a plan of action to address this concern or, the response may disagree with the finding. If Black Hills Energy chooses to disagree with the finding, please justify your position in the response.

If you have any questions regarding the substance or propriety of this notice, please contact our office at, Nebraska State Fire Marshal, Pipeline Safety, 246 South 14th Street, Lincoln, NE 68508-1804 or telephone 402-471-9664.



Stephen Lucas
Deputy Fire Marshal
Fuels Division, Pipeline Section



Clark Conklin
Chief Deputy Fire Marshal
Fuels Division

cc: Mr. Kevin Jarosz
Regional Operations Manager
Black Hills Energy
501 West 6th Street
Papillion, NE 68046



Received on:

DEC 04 2012

NE State Fire Marshal

November 30, 2012

Stephen Lucas
Deputy Fire Marshal
Nebraska State Fire Marshal
Pipeline Safety Division
246 South 14th Street
Lincoln, NE 68508-1804

RE: 20121102-N

Dear Mr. Lucas,

Enclosed is Black Hills Energy's response to the Notice of Probable Violation received by our office on November 2nd 2012 regarding a house fire that occurred in Blair, Nebraska on September 19th, 2012.

If you have any questions or wish to discuss our response further, please contact me at (402) 437-1734 or email at nathan.stewart@blackhillscorp.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan Stewart', written in a cursive style.

Nathan Stewart
State Compliance Specialist

Probable violation:

192.605 Procedural manual for operations, maintenance, and emergencies (a) General Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response.

It appears that Black Hills Energy did not follow the Black Hills Energy Emergency Plan manual section 1.4.9.C which says Telephonic Reporting- State Commissions require a telephonic notice within two (2) hours of when a reportable incident/accident or event occurs. Some State Commissions also like to receive a courtesy-type call regardless of whether it is actually determined to be an incident/accident as defined by state or federal regulations so that the State Pipeline Safety Personnel will know what is happening if they receive calls. Reference specific state appendices in Emergency Plan Manual Section 9. The Operations Manager or their designated on-call person is responsible for making this call. On-scene personnel can use the Incident Worksheet or equivalent form at the end of this section to gather information during an incident/accident/event. It appears BHE was notified of the event at 739 North 11th in Blair at 0544 hours on September 19th, 2012 and did not notify the Nebraska State Fire Marshal Pipeline Safety Division until 1449 hours September 19, 2012.

Response:

Black Hills states the following:

- Black Hills is not aware of any facts that conclusively show there was an ignition of natural gas as outlined in CFR Part 191, Nebraska Title 155 or Section 1.4.9 (C) of the Black Hills Emergency Plan.
- Black Hills technicians present at the scene of the fire did not at any time observe the ignition of natural gas and did not see anything that would lead them to believe natural gas had ever ignited. As such, the technicians did not consider this to be a reportable incident under CFR Part 191, Nebraska Title 155 or the Black Hills Emergency Plan.
- While comments were made by firefighters at the scene to a Black Hills Energy technician that they had seen a “flash” from the electric panel which punctured the service riser and caused it to start leaking, there was no indication that this “flash” was, in fact, an ignition of natural gas. The

technician concluded that the most likely explanation for this “flash” was that it was an arc from the melting electrical panel and that the electricity had grounded itself through the gas riser.

- The service line to the residence was dug up and discontinued at the street by Black Hills’ technicians as a result of the riser being punctured below the service valve and not because of a belief that natural gas had ignited.
- After the service line was safely cut off and technicians had left the scene, the supervisor for the area was briefed by the technicians on the details of the house fire. It was decided to place a call to the Fire Marshal’s office as a “courtesy-type call regardless of whether it is actually determined to be an incident/accident as defined by state or federal regulations” (Sec. 192.605) since the gas riser had failed. However, the Fire Marshal’s office was not notified because natural gas had ignited or that the event met the criteria of a “reportable incident” as detailed in CFR Part 191, Nebraska Title 155, or the Black Hills Emergency Plan.

As such, Black Hills Energy submits it did not violate CFR 192.605 in relation to the structure fire in Blair since there were no facts to indicate there was an ignition of natural gas which would have rendered the fire a “reportable incident” under applicable state and federal codes.

**NEBRASKA STATE FIRE MARSHAL - PIPELINE SAFETY SECTION
FOLLOW-UP INSPECTION:**

Name of Operator:	Black Hills Energy	Unit # 02-07-023	Site Blair
Operator Address: 501 West 6 Street Papillion, NE 68046		Phone Number: (402) 935-4871 Fax Number: Emergency: (800) 331-8989 Federal ID:	
Persons Interviewed	Title	Phone No.	
Brian Lundgren	Blair Vol Fire Department 2 nd Assistand Chief		
Person conducting Inspection: Stephen Lucas DSFM 8715		Date: 05-29-2014	
Description: Code 192.605 Date of Letter: 11-02-2012 Type: NOPV Disposition: Withdrawn			
Portion of Unit Inspected : BHE reply to NOPV and Statement of Brian Lundgren and photographs of scene.			

Comments:

Brian Lundgren and His Nozzle man were in the back yard at the time of the flash with the nozzle stream was on the electrical. Lundgren did not observe ignition of natural gas which was leaking in vicinity of Fire at 739 North 11th Street in Blair on September 19, 2012. There appears to be no conclusive evidence that a gas leak was ignited in this event. Therefore this event does not meet Title 155 criteria for reporting an incident involving the release of gas and any failure resulting in an explosion or ignition of natural gas. This appeared to be a Fire First event with damage caused to Pipeline facilities by heat impingement for residential fire.

Attachments:

**NEBRASKA STATE FIRE MARSHAL - PIPELINE SAFETY SECTION
FOLLOW-UP INSPECTION:**



Meter on west side of house

**NEBRASKA STATE FIRE MARSHAL - PIPELINE SAFETY SECTION
FOLLOW-UP INSPECTION:**



Meter on west side of house next to fire scene.

**NEBRASKA STATE FIRE MARSHAL - PIPELINE SAFETY SECTION
FOLLOW-UP INSPECTION:**



Meter on west side of house next to fire scene.

STATE OF NEBRASKA



Letter of Approval

Dave Heineman
Governor

Jim Heine
Fire Marshal

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 2, 2014

Mr. Tim Proksel
Operations Manager
Black Hills Energy
501 West 6th Street
Papillion, NE 68046

RE: November 2, 2012 Notice of Probable Violation – #20121102-N

After reviewing your written response and a follow-up inspection conducted by this office on May 19, 2014, we are withdrawing the following Notice of Probable Violation without prejudice.

§192.605 Procedural manual for operations, maintenance, and emergencies

If you have any questions regarding the substance or propriety of this notice, please contact our office at, Nebraska State Fire Marshal, Pipeline Safety Section, 246 South 14th Street, Lincoln, NE 68508-1840 or telephone 402-471-9465.

Handwritten signature of Stephen Lucas in cursive.

Stephen Lucas
Deputy Fire Marshal
Fuels Division, Pipeline Section

Handwritten signature of Clark Conklin in cursive.

Clark Conklin
Chief Deputy Fire Marshal
Fuels Division

cc: Mr. Nathan Stewart, Black Hills Energy, P. O. Box 83008, Lincoln, NE 68501-3008

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