



U.S. Department  
Of Transportation  
**Pipeline and  
Hazardous Materials  
Safety Administration**

820 Bear Tavern Road, Suite 103  
West Trenton, NJ 08628  
**609.989.2171**

## **WARNING LETTER**

### **EXPRESS OVERNIGHT MAIL**

December 5, 2013

Mr. Barry Cigich  
Vice President Operations and Engineering  
Crestwood Midstream LLC  
Two Brush Creek Boulevard, Suite 200  
Kansas City, MO 64112

**CPF 1-2013-1033W**

Dear Mr. Cigich:

Between August 27-31, 2012, inspectors from the New York State Department of Public Service (NYS DPS), acting as agents for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the Central New York Oil & Gas Corporation (CNYOG) public awareness program at the Owego, NY facilities.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violation(s) are:

**1. §192.616 Public awareness**

**(a) . . .**

**(i) The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.**

CNYOG failed to provide documentation under §192.616(i), related to the general program documentation recommendations under API RP 1162 Section 7.2 Program Recording, for the operator's annual audit, or review, of its Public Awareness Program under API RP 1162 Section 8.

CNYOG could not provide documentation of the program annual audit/review.

API RP 1162, Section 7.2 states that:

“The operator should maintain records of key program elements to demonstrate the level of implementation of its Public Awareness Program...”

API RP 1162 Section 8.3 Measuring Program Implementation states that:

“The operator should complete an annual audit or review of whether the program has been developed and implemented according to the guidelines in this RP...” and “- Has the public Awareness Program been developed and written to address the objectives, elements and baseline schedule as described Section 2 and remainder of this RP?” and “- Has the Public Awareness Program been implemented and documented according to the written program?...?”

CNYOG could not provide documentation to support that they conducted annual reviews.

## 2. §192.616 Public awareness

**(a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see § 192.7).**

CNYOG failed to follow the general program recommendations of API RP 1162 Section 8.4.2, to perform an effectiveness survey/evaluation about every four years.

CNYOG did not conduct any part of the required effectiveness evaluation elements within four years of implementing its program.

API RP 1162 Section 8.4.2 Measure 2– Understandability of the Content Message states that:

“Program effectiveness surveys are meant to validate the operator’s methodologies and the content of the materials used. Upon initial survey, improvements should be incorporated into the program based on the results. Once validated in this initial manner, a program effectiveness survey is only required about every four years. However, when the operator introduces major design changes in its Public Awareness Program a survey to validate the new approaches may be warranted...”

CNYOG representatives said that they did not conduct effectiveness evaluations.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty

assessment proceedings at this time. We advise you to correct the item(s) identified in this letter. Failure to do so will result in CNYOG being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, please address your correspondence to: Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628 and please refer to **CPF 1-2013-1033W**. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Sincerely,

A handwritten signature in blue ink, appearing to read "Byron Coy", with a stylized flourish at the end.

Byron Coy, PE  
Director, Eastern  
Pipeline and Hazardous Materials Safety Administration

Cc: Kevin Speicher, NYSDPS