

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 14, 2011

John C. Mollenkopf,
Sr. Vice President, COO
Markwest Energy Appalachia, LLC
1515 Arapahoe Street, Tower 2, Suite 700
Denver, CO 80202

CPF 2-2011-5003W

Dear Mr. Mollenkopf:

Between November 29 and December 3, 2010, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) inspected Markwest Energy Appalachia, LLC (Markwest) procedures and records in Ashland, Kentucky and your pipeline facilities located in Kentucky and West Virginia, pursuant to Chapter 601 of 49 United States Code.

As a result of the inspection, it appears that Markwest has committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violations are:

- 1. § 195.507 Recordkeeping.**
Each operator shall maintain records that demonstrate compliance with this subpart.
... (b) Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years.

Markwest did not maintain records that demonstrated compliance with Part 195, Subpart G - Qualification of Pipeline Personnel. Markwest hired contract welders to perform welding (an OQ covered task) on the Transandy pipeline as part of the valve reconfiguration that was completed in 2008. At the time of the inspection, Markwest did not provide records of prior qualification or records demonstrating how it ensured through evaluation that the contract welders performing covered tasks were OQ qualified.

2. **§ 195.571 What criteria must I use to determine the adequacy of cathodic protection?**
Cathodic protection required by this Subpart must comply with one or more of the applicable criteria and other considerations for cathodic protection contained in paragraphs 6.2 and 6.3 of NACE SP 0169 (incorporated by reference, see §195.3).

Markwest's Operations, Maintenance and Emergencies Manual (OM&E) did not require compliance with the applicable criteria in NACE SP0169–2007. The Markwest OM&E incorrectly referenced "*the most current edition of the National Association of Corrosion Engineers (NACE) Standard RP0169-2002.*" The federal pipeline safety regulations incorporate by reference NACE SP0169–2007, not the *current version* and not the *2002* edition.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any 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 Markwest being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 2-2011-5003W**. 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,

Wayne T. Lemoi
Director, Office of Pipeline Safety
PHMSA Southern Region