

## NOTICE OF AMENDMENT

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 16, 2013

Mr. Lee Bullock  
President  
KPC Pipeline, LLC  
19970 West 161st Street  
Olathe, Kansas 66062

**CPF 3-2013-1004M**

Dear Mr. Bullock:

On October 29, 2012, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected KPC Pipeline, LLC's (KPC) Public Awareness Program (PAP) procedures in Olathe, Kansas.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within KPC's PAP plans or procedures, as described below:

**1. §192.616 Public Awareness**

**(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.**

KPC's PAP is inadequate because written procedures do not formalize how the process will be periodically conducted to evaluate the program's implementation and effectiveness. For example, the evaluations that have been completed are not consistent.

KPC's PAP is inadequate because the written procedure does not address the sample size and margin-of-error of its affected stakeholder audiences.

KPC's PAP is inadequate because the written procedure does not designate which activities are used as baseline or supplemental.

KPC's PAP is inadequate because the written procedure does not address conducting the annual implementation audits and evaluation audits in their entirety.

KPC's PAP is inadequate because it does not make the distinction between annual implementation audits, and the four "4" year effectiveness evaluation interval.

KPC's PAP is inadequate because the written procedure or plan does not require documenting the actual date(s) of the evaluation.

KPC's PAP is inadequate because the effectiveness evaluation procedure does not exclusively address the operator's pipeline system. For example, a telephone survey conducted in 2011 included individuals that were not part of KPC's PAP outreach.

KPC's PAP is inadequate because the written procedures do not require the summarization and documentation of the results, resources and implementation activities.

KPC's PAP is inadequate because written procedures do not require the determination and summarization of the percentage of stakeholder audiences that understood and retained the PAP message.

KPC's PAP is inadequate because written procedures do not require determination and summarization of the bottom-line results of its program.

KPC's PAP is inadequate because written procedures do not require the determination and summarization of program changes based on the results of the effectiveness evaluation audit.

## **2. §192.616 Public Awareness**

**(d) The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:**

- (1) Use of a one-call notification system prior to excavation and other damage prevention activities;**
- (2) Possible hazards associated with unintended releases from a gas pipeline facility;**
- (3) Physical indications that such a release may have occurred;**
- (4) Steps that should be taken for public safety in the event of a gas pipeline release; and**
- (5) Procedures for reporting such an event.**

KPC's PAP is inadequate because written procedures do not address a method to identify stakeholder audience.

KPC's PAP is inadequate because the written procedures do not reference the PAP's appendix where the SIC codes used to help identify stakeholder audiences are listed.

**3. §192.616 Public Awareness**

**(f) The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas.**

KPC's PAP is inadequate because the written procedure does not adequately define the combination of messages to comprehensively reach all affected stakeholder audiences in all areas in which the operator transports gas. Schools and Farmer audiences were not addressed in the written plan.

KPC's PAP is inadequate because written procedures do not address the methods used to communicate the baseline and supplemental messages.

**4. §192.616 Public Awareness**

**(g) The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.**

KPC's PAP is inadequate because written procedures do not address criteria for determining what language(s) must be utilized to deliver the PAP message.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. 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). If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

If, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 45 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that KPC Pipeline maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to David Barrett, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 2013-1004M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

David Barrett  
Director, Central Region  
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*