



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**

### **OVERNIGHT EXPRESS MAIL**

December 09, 2013

Mr. Dwayne Burton  
Vice President Engineering/Operations  
Kinder Morgan, Inc.  
1001 Louisiana St  
Suite 1000  
Houston, TX 77002

**CPF 1-2013-1035W**

Dear Mr. Burton:

Between October 14, 2011 and March 22, 2012, an inspector from the New York State Department of Public Service (NYSDPS), acting as agents for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the Tennessee Gas Pipeline (TGP) pipeline facilities and records in Sloatsburg, NY.

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

- 1. 192.603 General provisions.**
  - (b) Each operator shall keep records necessary to administer the procedures established under §192.605.**

Tennessee Gas Pipeline (TGP) failed to keep records necessary to administer the procedures established under §192.605.

Specifically, TGP failed to produce documentation for two monthly inspections (September and October 2011) for the odorant injector located at TGP station 321 in Pennsylvania.

The odorant injection at TGP station 321 in Pennsylvania is tied into the TPG 300 pipeline that crosses into Westchester County, NY, and feeds into Consolidated Edison at the White Plains, NY gate station.

The missing records were discovered during the NYSDPS review of TGP records.

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 identified in this letter. Failure to do so will result in Tennessee Gas Pipeline 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 1-2013-1035W**. 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,



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

Cc: Kevin Speicher, NYSDPS