

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 22, 2012

Mr. John Mollenkopf
Senior Vice President, Chief Operations Officer
MarkWest Ranger Pipeline Company
1515 Arapahoe Street, Tower 2, Suite 700
Denver, CO 80202-2126

CPF 2-2012-5005M

Dear Mr. Mollenkopf:

From March 28-29, 2012, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) inspected the MarkWest Ranger Pipeline Company (MarkWest) written Public Awareness Program at your Ashland, Kentucky office pursuant to Chapter 601 of 49 United States Code.

On the basis of the inspection, PHMSA has identified apparent inadequacies within MarkWest's written Public Awareness Program procedures, as described below:

1. §195.440 Public awareness.

(a) 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* §195.3).

MarkWest's Public Awareness Program procedures did not define the various stakeholder audiences in adequate detail to assure the proper audience members were fully identified. Moreover, the plan did not provide a measureable way to quantify the audience members, such as by distance from pipeline, location in a given county or other geographic description. American Petroleum Institute Recommended Practice 1162 (API RP 1162), Section 3 Stakeholder Audiences states "*One of the initial tasks in developing a Public Awareness Program is to identify the audience(s) that should receive the programs messages.*"

2. §195.440 Public awareness.

(a) 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 §195.3).

MarkWest's Public Awareness Program procedures did not consider the effects of the mountainous terrain in and around its pipeline on the vapor dispersion of the highly volatile liquid (HVL) product the pipeline transports when it identified audience members. API RP 1162, Section 3 Stakeholder Audiences states *"One of the initial tasks in developing a Public Awareness Program is to identify the audience(s) that should receive the programs messages."*

3. §195.440 Public awareness.

(a) 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 §195.3).

MarkWest's Public Awareness Program procedures did not establish methods for conducting an annual audit or a review of whether the program has been developed and implemented in accordance with API RP 1162, Section 8.3 Measuring Program Implementation. The procedures required that an annual evaluation be done that will

- *"Assess whether the current program is effective in achieving its objectives,*
- *Provide MarkWest information on implementing improvements in its Public Awareness Program effectiveness; and,*
- *"Demonstrates to company management and regulators, the status and validity of MarkWest Public Awareness Program."*

That said, the procedures did not require that the Public Awareness Program be reviewed to assure it achieved the requirements of API RP 1162 and that the program had been implemented and documented as planned.

4. §195.440 Public awareness.

(a) 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 §195.3).

MarkWest's Public Awareness Program procedures did not establish detailed processes or metrics for conducting the "Program Evaluation" in accordance with API RP 1162, Section 8.4 Measuring Program Effectiveness. Appendix A of MarkWest's Public Awareness Program contained a "Program Evaluation" form which did not include sufficient detail to fulfill the requirements. Additional procedures are needed to explain how the elements of API RP 1162 will be accomplished and what metrics will be used to establish adequacy of the program evaluation.

5. §195.440 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.

MarkWest's Public Awareness Program procedures did not contain procedures for determining if languages other than English are needed.

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 30 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 MarkWest Ranger Pipeline Company maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Wayne T. Lemoi, Director, Southern Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 2-2012-5005M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

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

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