

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 10, 2013

Mr. Kim Penner
President
Koch Pipeline Company, L.P.
4111 East 37th Street, North
Wichita, Kansas 67201-2913

CPF 3-2013-5029M

Dear Mr. Kim Penner:

On August 2, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Koch Pipeline Company, L.P.'s (Koch) procedures for Public Awareness Program Effectiveness in Rosemount, Minnesota.

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

1. §195.402 Procedural manual for operations, maintenance, and emergencies.

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations

(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid or carbon dioxide pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid or carbon dioxide pipeline emergency and means of communication.

Koch's procedures are inadequate because its Public Awareness Plan does not include a written process outlining the emergency official's expectations on "How to respond to a pipeline leak."

Koch's procedures are inadequate because its Public Awareness Plan does not include a written process for periodic contact with emergency officials to share capabilities and maintain appropriate liaison.

2. § 195.440 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.

Koch's procedures are inadequate because its Public Awareness Plan does not include a written process that utilizes the information from the public awareness field communication document, so appropriate supplemental activities can occur as necessary during the year and can be identified during the annual supplemental review.

Koch's procedures are inadequate because its Public Awareness Plan does not include a written process that provides guidance on when to consider supplemental activities and when activities are necessary.

Koch's procedures are inadequate because its Public Awareness Plan does not have a written process to track all excavators reached within the excavator stakeholder audience.

Koch's procedures are inadequate because its Public Awareness Plan does not include a written process that documents what changes need to be made, when changes need to be made, when changes are completed and who is responsible for the changes.

3. §195.440 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;

Koch's procedures are inadequate because its Public Awareness Plan does not include the required baseline messages for One-Call centers listed in section 4.5.1 of program as part of the excavator stakeholder audience.

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.

In correspondence concerning this matter, please refer to **CPF 3-2013-5029M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Since the Public Awareness Program Inspection, Koch Pipeline Company, L.P has submitted revised procedures to resolve the inspection issues. PHMSA Central Region personnel have reviewed the revised procedures and determined that the revisions satisfy the deficiencies identified in all of the above items. Therefore, no further action is required and this enforcement action is considered closed.

Sincerely,

Linda Daugherty
Director, Central Region
Pipeline and Hazardous Materials Safety Administration

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