

## **NOTICE OF AMENDMENT**

### **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

January 11, 2019

Mr. Wayne Simmons  
Chief Operating Officer-Products Pipeline  
Kinder Morgan Cochin, LLC  
1001 Louisiana Street, Suite 1000  
Houston, Texas 77002

**CPF 3-2019-5002M**

Dear Mr. Simmons:

From August 22 - August 26, 2016, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected certain procedures in Kinder Morgan Cochin, LLC (Kinder Morgan) Liquids Operations and Maintenance Manual (L-O&M) and Kinder Morgan Operation Qualification Program for Facilities Subject to DOT Parts 192 and 195.

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

**1. §195.307 Pressure testing aboveground breakout tanks.**

**(b) For aboveground breakout tanks built to API Standard 620 and first placed in service after October 2, 2000, hydrostatic and pneumatic testing must be in accordance with section 7.18 of API Standard 620 (incorporated by reference, see §195.3).**

**(c) For aboveground breakout tanks built to API Std 650 (incorporated by reference, see §195.3) and first placed in service after October 2, 2000, testing must be in accordance with sections 7.3.5 and 7.3.6 of API Standard 650 (incorporated by reference, see §195.3).**

Kinder Morgan's procedure L\_O&M 1600 is inadequate because it does not state that hydrostatic and pneumatic testing will be in accordance with Section 7.18 of API 620 as required by §195.307(b). Kinder Morgan's new tank construction testing specifications are addressed in the in L\_O&M 1600. Kinder Morgan's L-O&M 1600 procedure, section 5 a ii, incorrectly references section 5.18 of API 620 Standard instead of 7.18 of API 620 Standard. The testing requirements are different for API 620 tanks and API 650 tanks built after October 2, 2000. Kinder Morgan's procedure L-O&M 1600 is also inadequate because it uses incorrect language for testing tanks built to API Standard 650. Kinder Morgan's L-O&M 1600 procedure incorrectly uses similar language regarding pneumatic and hydrotesting for both types of aboveground breakout tanks. API 650 sections 7.3.5 and 7.3.6 do not reference pneumatic testing, nor does §195.307(c).

**2. §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:**

**(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.**

Kinder Morgan's procedure L-O&M 2103 is inadequate because it does not state that overpressure safety devices and overfill protection systems will be installed in accordance with API 2350 Third edition. Section §195.428(c) requires that "[o]ther aboveground breakout tanks with 600 gallons (2271 liters) or more of storage capacity that are constructed or significantly altered after October 2, 2000, must have an overfill protection system installed according to API RP 2350 (incorporated by reference, see §195.3)." API RP 2350 3rd edition is incorporated by reference in 195.3(b)(12). Kinder Morgan's L-O&M 2103, Overfill Protection for Storage Tanks, incorrectly references API 2350 Fourth Edition instead of the Third Edition.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under §190.211. 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 an Order Directing Amendment. If 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. § 190.206). 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 Kinder Morgan Cochin LL maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Allan C. Beshore, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 3-2019-5002M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Allan C. Beshore  
Director, Central Region, OPS  
Pipeline and Hazardous Materials Safety Administration

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