

## **NOTICE OF AMENDMENT**

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

January 6, 2011

Mr. Ron Templeman  
General Manager  
Amerigas Eagle Propane, L.P.  
91-290 Hanua Street  
Kapolei, HI 96707-1783

**CPF 5-2010-0006M**

Dear Mr. Templeman:

This Notice of Amendment was originally sent on February 11, 2010, but we did not receive the certified mail return receipt. Subsequent contact with you confirmed you did not receive the Notice. As a result, we are re-issuing this Notice of Amendment to Amerigas Eagle Propane, L.P. (Amerigas).

On December 8, 2008, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected the Amerigas operation, maintenance and emergency response procedures for your propane facilities in Kapolei, Hawaii.

On the basis of the inspection, PHMSA identified the following apparent inadequacy within your plans or procedures, as described below:

1. **§192.616 Public awareness.**

**(j) Unless the operator transports gas as a primary activity, the operator of a master meter or petroleum gas system is not required to develop a public awareness program as prescribed in paragraphs (a) through (g) of this section. Instead the operator must develop and implement a written procedure to provide its customers public awareness messages twice annually. If the master meter or petroleum gas system is located on property the operator does not control, the operator must provide similar messages twice annually to persons controlling the property. The public awareness message must include:**

- (1) A description of the purpose and reliability of the pipeline;**
- (2) An overview of the hazards of the pipeline and prevention measures used;**
- (3) Information about damage prevention;**
- (4) How to recognize and respond to a leak; and**
- (5) How to get additional information.**

Amerigas needs to provide the public awareness message twice annually to persons controlling properties where Amerigas has facilities. At the time of the inspection, Amerigas was providing messages to customers and property owners once per year instead of twice annually. Amerigas' written procedures required a public awareness message be sent annually to its customers. §192.616(j) requires the written procedure to provide its customers public awareness messages twice annually. Amerigas needs to revise their procedure accordingly.

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.

In correspondence concerning this matter, please refer to **CPF 5-2010-0006M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Chris Hoidal  
Director, Western Region  
Pipeline and Hazardous Materials Safety Administration

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

cc: PHP-60 Compliance Registry  
PHP-500 P. Nguyen (#122343)