

## NOTICE OF AMENDMENT

**CERTIFIED MAIL [7006 3450 0001 7095 3477] - RETURN RECEIPT REQUESTED**

July 5, 2012

Mr. Pat Carey  
Director, Compliance Services  
El Paso Natural Gas Company  
1001 Louisiana Street  
Houston, TX 77002

**CPF 5-2012-1015M**

Dear Mr. Carey:

On August 19, 2011, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Arizona Corporation Commission, pursuant to Chapter 601 of 49 United States Code, inspected El Paso Natural Gas Company's (EP) procedures for Public Awareness Program for both Natural Gas and Hazardous Liquid transmission, C.F.R Part 192 and C.F.R Part 195, respectively, in Colorado Springs, Colorado. Total combined pipeline mileage for both hazardous gas and liquid pipeline systems is 38,476, with only three (3) miles being in hazardous liquid pipeline service.

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

1. **§192.616 Public Awareness.**
  - (a) **Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, 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 § 192.7).**

**§195.440(a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, 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).**

EP's written Public Awareness Program (PAP) is inadequate because EP did not specify the edition of RP 1162 used (in this case, 1<sup>st</sup> Edition incorporated by reference). Furthermore, EP's management support program did not identify an individual with roles and responsibilities to administer the program in accordance with API RP 1162. The PAP should also be authenticated by a corporate manager. EP must amend their Public Awareness Program to reference the industry standard to be used for their Public Education Program as required by Part 192.616(a) and Part 195.404(a).

**2. § 192.616 Public Awareness.**

**(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.**

**§ 195.440(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.**

EP did not consider the unique operating environment and characteristics of each of their pipeline systems when developing its PAP. The stakeholder message (as outlined in Sections 2.02 and 2.03) is largely generic and not tailored to the location of their pipeline system. Also, there is no evidence of a cover letter or any indications which shows EP as the pipeline operator, or why the PAP information was being sent in any of EP's mailings. The generic brochures appear inadequate because the recipient is responsible to determine why the PAP information was being provided.

**3. § 192.616 Public Awareness.**

**(i) The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.**

**§ 195.440(i) The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.**

EP's Plan is inadequate because EP does not adequately address process procedures for conducting annual audits or effectiveness evaluations. EP must amend their Plan to include the process for conducting annual audits or effectiveness evaluations as required by Part 192.616(i) and Part 195.440(i).

**4. § 192.616 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;**

- (2) Possible hazards associated with unintended releases from a gas pipeline facility;**
- (3) Physical indications that such a release may have occurred;**
- (4) Steps that should be taken for public safety in the event of a gas pipeline release; and**
- (5) Procedures for reporting such an event.**

**§ 195.440(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;**
- (2) Possible hazards associated with unintended releases from a hazardous liquid or carbon dioxide pipeline facility;**
- (3) Physical indications that such a release may have occurred;**
- (4) Steps that should be taken for public safety in the event of a hazardous liquid or carbon dioxide pipeline release; and**
- (5) Procedures to report such an event.**

EP's written Public Awareness Program is inadequate because the material provided to emergency responders is general, and not specific to EP. Currently under EP's program, emergency responders are required to research information to find out what pipelines are in the area of their jurisdiction, and to contact EP if they want information or training. It is not known how to adequately liaison with emergency officials without some way of 2-way communication with emergency responders. The baseline program does not require any face-to-face meetings or any 2-way communication. EP must amend their Program to educate the public and appropriate government organizations as required by Part 192.616(d) and Part 195.440(d).

#### 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 El Paso Natural Gas 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 Chris Hoidal, Director, Western Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 5-2012-1015M** 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 J. Kenerson (#134440)