

## **WARNING LETTER**

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

January 17, 2019

Mr. Tom Martin  
President, Natural Gas Pipelines  
Kinder Morgan  
1001 Louisiana Street, Suite 1000  
Houston, TX 77002-5089

**CPF 5-2019-1002W**

Dear Mr. Martin:

During the weeks of April 17 through 24, April 24 through 28, June 5 through 9, and June 12 through 16, 2017, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected your El Paso Natural Gas Pipeline, Deming East Complex Facilities, located in New Mexico and Texas.

Based on our inspection findings, PHMSA determined that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR), Part 192. The deficiencies noted and the probable violations are:

1. **§192.605 Procedural manual for operations, maintenance, and emergencies.**  
**(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures and conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.**

Kinder Morgan was unable to provide documentation that a review or update of the emergency manual occurred in calendar years 2014 and 2015, for the Deming East Complex.

2. **§192.615 Emergency Plans.**  
**(c) Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to:**  
**(1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;**

While reviewing records for calendar years 2014 through 2016 for the City of Deming and Luna County, it was determined that the operator failed to establish and maintain liaisons with public officials. Only records demonstrating liaison with emergency responders were provided during the inspection.

3. **§192.736 Compressor stations: Gas detection.**  
**(c) Each gas detection and alarm system required by this section must be maintained to function properly. The maintenance must include performance tests.**

Kinder Morgan (KM) personnel did not adequately inspect their gas detection and alarm system at one of their compressor stations to ensure that they are being maintained to function properly. Kinder Morgan specified an inspecting and testing interval for these systems in their Operations and Maintenance (O&M) manual as required by 192.605(a). KM maintenance records indicate that they have not followed their procedure in accordance with their O&M Manual, specifically the mandated testing activities for their gas detection system.

Kinder Morgan's Procedure 550, *Testing of Gas and Fire Detection Systems*, requires that interval testing of the gas detection system be conducted at least four (4) times each calendar year, not to exceed 4.5 months. Prior to 2014, the gas detection frequency was established to be conducted annually.

A review of the gas detection testing records indicated that Kinder Morgan personnel did not conduct the performance tests at the revised frequency, as established by Procedure 550. Examples of non-compliance were found at the following locations:

- Lordsburg Compressor Station: Plant A - 6 gas detectors, Plant B - 3 gas detectors, Plant C - 3 gas detectors.

Calendar Year 2014: Only one inspection occurred during this year, on 7/17/2014.

Calendar Year 2015: Plant C - Records failed to demonstrate that all three gas detectors were inspected during each quarter (March/June/September/December).

Calendar Year 2016: Plant C - Records failed to demonstrate that all three gas detectors were inspected during each quarter (April/July/September/December).

**4. §192.709 Transmission lines: Record keeping.**

**Each operator shall maintain the following records for transmission lines for the periods specified:**

**(c) A record of each patrol, survey, inspection, and test required by subparts Land M of this part must be retained for at least 5 years or until the next patrol, survey, inspection, or test is completed, whichever is longer.**

Kinder Morgan was unable to provide records that demonstrated compliance for continuing surveillance in calendar year 2014, in accordance with their procedure O&M Manual, Procedure #218- Continuing Surveillance, and §192.613(a).

**5. §192.605 Procedural manual for operations, maintenance, and emergencies.**

**(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures and conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.**

Kinder Morgan's annual review and update of their procedural manual appears inadequate. The procedural manual is required by 192.605(e) to include procedures that address Continuing Surveillance, as prescribed in 192.613(a). Kinder Morgan records provided during the inspection could not substantiate that all activities in Procedure #218 for Continuing Surveillance were included in the annual review for calendar years 2015 and 2016.

**6. §192.705 Transmission lines: Patrolling.**

**(b) The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following table:**

Class location offline	Maximum interval between patrols	
	At highway and railroad crossings	At all other places
1, 2	7½ mop.ths; but at least twice each calendar year	15 months; but at least once each calendar year.
3	4½ months; but at least four times each calendar year	7½ months; but at least twice each calendar year.
4	4½ months; but at least four times each calendar year	4½ months; but at least four times each calendar year.

Patrolling records for 2013 did not demonstrate that Kinder Morgan patrolled Line 1005 (East Zone District Division Line - Florida Station to Gage Station) twice in the calendar year. Only one patrol occurred on July 22, 2013.

**7. §192.479 Atmospheric corrosion control: General**

**(a) Each operator must clean and coat each pipeline or portion of pipeline that is exposed to the atmosphere, except pipelines under paragraph (c) of this section.**

Kinder Morgan did not clean and coat pipelines or portions of pipelines that were exposed to the atmosphere at the following location:

- Line 1005 (Old Station #4) had no coating on aboveground piping.

**8. §192.481 Atmospheric corrosion control: Monitoring**

**(a) Each operator must inspect each pipeline or portion of pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion, as follows:**

<b>If the pipeline is located:</b>	<b>Then the frequency of inspection is:</b>
<b>Onshore</b>	<b>At least once every 3 calendar years, but with intervals not exceeding 39 months</b>
<b>Offshore</b>	<b>At least once each calendar year, but with intervals not exceeding 15 months</b>

Kinder Morgan was not conducting atmospheric inspections that could adequately assess the level of atmospheric corrosion. During the field inspection of Block Valve #41 ¼ on Line 1600, the valve was observed to be housed in a below grade pit type structure. The valve was exposed to the atmosphere within the pit area. When asked about performing atmospheric corrosion inspections on the entire exposed area (360°), field staff stated they do not go into the pit to check for evidence of corrosion, they only observe from above.

Kinder Morgan was not performing adequate atmospheric corrosion inspection on each pipeline or portion of pipeline that is exposed to the atmosphere. The inspection must be conducted so any evidence of atmospheric corrosion can be evaluated.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$209,002 per violation per day the violation persists, up to a maximum of \$2,090,022 for a related series of violations. For violations occurring prior to November 2, 2015, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$2,000,000 for a related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the item(s) identified in this letter. Failure to do so will result in Kinder Morgan being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 5-2019-1002W**. 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).

Sincerely

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

cc: PHP-60 Compliance Registry  
PHP-500 D.Fehling (#155199)