



**Tennessee Gas Pipeline
Company, L.L.C.**
a Kinder Morgan company

VIA EMAIL AND FED EX OVERNIGHT DELIVERY

March 15, 2018

Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety
820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628

Re: Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order, CPF 1-2018-1001 — TGP Response and Request for Hearing, Preliminary Statement of Issues, and Request for Documents

Dear Mr. Burrough:

Tennessee Gas Pipeline Company, L.L.C. (TGP or the Company) received the above referenced Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order (NOPV) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) on February 13, 2018. Acting as an agent for PHMSA, the Connecticut Department of Energy and Environmental Protection (CT DEEP) inspected TGP records in Connecticut from May 9-11, 2017. As a result of the inspection, PHMSA alleges that TGP committed two probable violations of the pipeline safety regulations related to public awareness (NOPV Item 1, 49 C.F.R. 192.616) and leak surveys (NOPV Item 2, 49 C.F.R. 192.706), proposes a civil penalty of \$39,700 associated with Item 1, and proposes a compliance order associated with both probable violations. Pursuant to 49 C.F.R. 190.208, this response is timely.

TGP does not admit to the alleged violations in the NOPV. That said, TGP does not contest Item 1 of the NOPV, the Proposed Civil Penalty, or the Proposed Compliance Order items associated with this allegation. TGP will submit payment of the Proposed Civil Penalty in the near future, and the Company provides below a response to the allegations, including a summary of the actions it has taken after the inspection related to Item 1 and TGP's Public Awareness Program. These actions fully satisfy the Proposed Compliance Order requirements associated with NOPV Item 1.

With respect to Item 2, TGP contests the alleged violation under Part 192.706, regarding leakage surveys and therefore, requests an in-person Hearing on the alleged violation and requests withdrawal of the associated Proposed Compliance Order. As such, TGP respectfully submits the attached Request for Hearing, Written Response, Preliminary Statement of Issues, and Request for Documents pursuant to 49 C.F.R. Part 190.211.

TGP Response to Item 1

NOPV Item 1 Alleged Violation:

§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).

TGP failed to implement its written continuing public education program. Specifically, TGP failed to follow its O&M 232 Procedures, Damage Prevention and Public Awareness, Revisions 2014-01-01, 2015-07-01, 2016-06-01, 2016-09-01 (Procedures), Section 3.3, by not providing communication materials to Local Public Officials for 11 towns between 2012 and 2017.

During the inspection, CT DEEP inspector reviewed TGP's Procedures, and records of distribution of communications materials to Public Officials found in the Public Awareness Contact Report dated 5/23/2017 (Records). The Procedures stated in part:

"3.3.1. Communication Materials

Communication materials including brochures, maps and handouts to be delivered during corporate and field contacts that incorporate appropriate messaging for each Stakeholder Group are included in the Public Awareness (PA) Tool Kit located on the PS website.

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3.3.6. Public Officials

Local, state, or regional officials who are responsible for directing emergency preparedness activities or who have land use and street/road jurisdiction within 10 miles of KM pipeline facilities. Examples include the sub-groups listed below:

- *City and county managers*
- *City and county council members*
- *Mayors*
- *Planning and development directors*
- *City and county public works directors*
- *State highway department district engineers*
- *Zoning board members*

3.3.6.1 Public Officials Corporate Responsibilities:

Communication materials shall be delivered in a manner consistent with the Corporate Public Awareness Program Appendix A Baseline Messages and Supplemental Enhanced activity described in the Supplemental Enhanced Activities Section and Table 1 – Baseline and Supplemental Enhanced Activities requiring a communication response. The Company shall communicate with all Public Officials by e-mail or postal service.

For High Consequence Areas:

Communication materials shall be delivered in a manner consistent with the Corporate Public Awareness Program Appendix A Supplemental Messages and Supplemental Enhanced activity described in the Supplemental Enhanced Activities Section and Table 1 – Baseline and Supplemental Enhanced Activities requiring a communication response. The Company shall communicate with all public officials by e-mail or postal service.

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3.3.8. Contact Information

<i>Audience</i>	<i>Baseline Materials</i>	<i>Baseline Frequency</i>	<i>Supplemental Enhancement Opportunity</i>
<i>Public Officials</i>	<i>PA Tool Kit Public Officials</i>	<i>Every 3 years</i>	<i>Local field employee contact outside 3 year requirement</i>

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The Records TGP provided indicated that communication materials were not distributed to Local Public Officials in Bethany and Shelton, CT, through which TGP’s pipelines pass. The Records also indicated that communication materials were not distributed to Local Public Officials in the following 9 towns that TGP’s pipelines travel within 10 miles of:

- Colebrook, CT
- Cromwell, CT
- Durham, CT
- Middlefield, CT
- Middletown, CT
- Morris, CT
- Oxford, CT
- Plainville, CT
- South Windsor, CT

Therefore, TGP failed to follow its Procedures by not providing communications materials to the Local Public Officials for 11 towns within 10 miles of their pipeline between 2012 and 2017.

TGP Response to NOPV Item 1

TGP recognizes the importance of a strong public awareness program. TGP's Public Awareness Program goes beyond minimum PHMSA regulations by requiring regular stakeholder communications with local public officials in cities and counties in which TGP does not have assets but that are located within 10 miles of TGP assets. TGP's primary source for identifying Public Official stakeholders is the use of Standard Industrial Classification (SIC) Codes which are provided to a National Compiler who prepares a contact list. The contact list is aligned with specified TGP stakeholder areas to generate a TGP specific contact list which TGP then uses to mail brochures in designated years.

Following the CT DEEP inspection in May 2017, TGP took immediate action to: a) identify and confirm the appropriate public officials; and b) mailed brochures to the additional public officials, of which we were aware, as a result of the May 2017 inspection (Bethany and Sheldon). TGP continued to research the issue; by February 28, 2018, TGP had completed mailings to all public officials in the 11 cities identified in NOPV Item 1 (see Table 1). Further, TGP will implement a more refined quality assurance and quality control process.

Table 1, TGP Mailings to Public Officials in Areas Identified in NOPV Item 1

City	Date of Public Awareness Brochure Mailing
Bethany, CT	June 13, 2017 December 18, 2017
Sheldon, CT	June 13, 2017 December 18, 2017
Colebrook, CT	December 18, 2017
Cromwell, CT	December 18, 2017 February 28, 2018
Durham, CT	February 28, 2018
Middlefield, CT	December 18, 2017 February 28, 2018
Middletown, CT	February 28, 2018
Morris, CT	December 18, 2017
Oxford, CT	December 18, 2017
Plainville, CT	December 18, 2017
South Windsor, CT	December 18, 2017

See Attachment 1, Public Official Contact Records for NOPV CPF 1-2018-1001 and Attachment 2, Pipeline Safety Brochure for Public Officials. In light of the above, the Proposed Compliance Order requirements associated with NOPV Item 1 are complete (*i.e.*, to (1) determine required Public Official stakeholder group members for the 11 towns listed

and (2) provide necessary public awareness messages within 60 days of receipt of the Final Order).

Summary

TGP appreciates PHMSA's consideration of the issues identified in this response to NOPV Item 1 and the attached Request for Hearing on NOPV Item 2.

TGP does not contest NOPV Item 1, is in the process of paying the Proposed Civil Penalty, and has fully complied with the associated Proposed Compliance Order requirements. TGP therefore requests that PHMSA acknowledge its completion of its obligations with respect to NOPV Item 1.

With respect to NOPV Item 2, and as set forth in the attached Request for Hearing submission, TGP respectfully contests this Item and requests an in-person Hearing and withdrawal of the associated Proposed Compliance Order.

Please contact Jaime Hernandez at 713-369-9443 or me at 713-369-8763 should you wish to discuss the information provided above.

Sincerely,



Kenneth W. Grubb
Chief Operating Officer
Kinder Morgan Natural Gas Division

cc: Jorge Torres, Vice President, Engineering
Jaime Hernandez, Director - Engineering, Compliance / Codes and Standards
Tom Burgett, Division Operations Director
Don Perkins, Operations Manager
Jessica Toll, Assistant General Counsel