

WARNING LETTER

**VIA ELECTRONIC MAIL TO: Kenneth_grubb@kindermorgan.com;
martin_muller@kindermorgan.com; HollandJ@kindermorgan.com;
Tom_Martin@kindermorgan.com**

December 15, 2023

Mr. Kenneth Grubb
Chief Operating Officer
Natural Gas Pipeline Company of America, LLC
1001 Louisiana Street, Suite 1000
Houston, Texas 77002

CPF 2-2023-019-WL

Dear Mr. Grubb:

From July 25, 2022 to July 29, 2022, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected your written procedures, records, and facilities in Kansas.

As a result of the inspection, it is alleged that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item inspected and the probable violation is:

1. §192.491 Corrosion Control Records

(a) ...

(c) Each operator shall maintain a record of each test, survey, or inspection required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control

measures or that a corrosive condition does not exist. These records must be retained for at least 5 years with the following exceptions:

(1) Operators must retain records related to §§ 192.465 (a) and (e) and 192.475(b) for as long as the pipeline remains in service...

Natural Gas Pipeline Company of America, LLC (NGPL) failed to meet the regulation because it did not maintain a record for each inspection of a cathodic protection rectifier, as required by §192.465(b). Specifically, NGPL did not have records demonstrating it had not exceeded the required 2 ½ month inspection interval for 26 rectifiers. Additionally, NGPL did not maintain a record in sufficient detail to demonstrate the adequacy of corrosion control measures for 6 rectifiers in 2018.

NGPL presented records during the inspection to demonstrate it had inspected its cathodic protection rectifiers. The records documented the following deficiencies:

- 3 rectifiers did not have a recorded DC voltage or amps output reading on 09/10/2018 but there were such readings on records from 07/17/2018 and 11/21/2018 (a period of 127 days). No record of any rectifier inspections were available between 07/17/2018 and 11/21/2018, which exceeded the inspection interval documentation requirement by 52 days (127 days minus 2 ½ months [75 days]),
- 3 rectifiers did not have a recorded DC voltage output reading for six inspections during 2018,
- 9 rectifiers had inspections on 09/10/2018 and 11/27/2018 (a period of 78 days). No record of any rectifier inspections were available between these dates, which exceeded the inspection interval documentation requirement by 3 days (78 days minus 2 ½ months [75 days]), and
- 17 rectifiers had inspections on 09/10/2018 and 11/26/2018 (a period of 77 days). No record of any rectifier inspections were available between these dates, which exceeded the inspection interval documentation requirement by 2 days (77 days minus 2 ½ months [75 days]).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$257,664 per violation per day the violation persists, up to a maximum of \$2,576,627 for a related series of violations. For violation occurring on or after March 21, 2022 and before January 6, 2023, the maximum penalty may not exceed \$239,142 per violation per day the violation persists, up to a maximum of \$2,391,142 for a related series of violations. For violation occurring on or after May 3, 2021 and before March 21, 2022, the maximum penalty may not exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violation occurring on or after January 11, 2021 and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violation occurring on or after July 31, 2019 and before January 11, 2021, the maximum penalty may not exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018 and before

July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022.

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 identified in this letter. Failure to do so will result in Natural Gas Pipeline Company of America, LLC, 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 2-2023-019-WL**. 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,

A handwritten signature in dark ink, appearing to read 'J. Urisko', with a stylized, flowing script.

For:

James A. Urisko
Director, Southern Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration