

WARNING LETTER

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

December 21, 2023

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

CPF 2-2023-021-WL

Dear Mr. Grubb:

From March 20, 2023, to March 24, 2023, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Tennessee Gas Pipeline, LLC (TGP) written procedures, records, and facilities in Texas. TGP is a subsidiary of Kinder Morgan.

As a result of the inspection, it is alleged that TGP has committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violations are:

1. §192.616 Public awareness.

(a) ...

(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.**

TGP did not meet the requirements of the regulation because it failed to take provisions to educate the public in a trailer/mobile home park area located in Edinburg, Texas. No records were provided showing mail to a mailable address located within the parcel of the trailer/mobile home park. The following areas within the trailer/mobile home park were affected; Daniec St., Midnight St., Gypsy St., Visha St., Adam Stefan St., Kay St., Marisol Dr., Zeus St., and Carmen Avila Rd.

TGP stated that the trailer/mobile home park area does not have a specific mailable address with the United States Postal Service (USPS). As an alternative, TGP mailed public awareness material to PO Box 2604, Edinburg, TX, an address associated with the owner of the parcel. There was no indication this mail reached those within the trailer/mobile home park.

2. § 192.705 Transmission lines: Patrolling.

- (a) Each operator shall have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.**

TGP did not meet the requirements of the regulation because it did not maintain its right-of-way (ROW) to allow for adequate patrol.

TGP uses aerial patrolling to satisfy the patrol requirements of the above-referenced code, yet it failed to maintain its right-of-way (ROW) sufficiently to allow observation of surface conditions by aerial patrolling. PHMSA inspectors identified an area along the ROW that was being used as a junkyard/wrecking yard. The identified conditions were present along the ROW parallel to Carmen Avila Rd. downstream of Edinburg 409 Compressor Station. The presence of debris hindered observation of the surface from aerial patrolling above. It is important to note that this pipeline segment is located within a Special Permit area. Special Permit (SP) PHMSA-2016-0004. Condition 13 of the SP requires aerial flyover patrols or ground patrols of a special permit segment right-of-way once each month, not to exceed 45 days.

- 3. §192.459 External corrosion control: Examination of buried pipeline when exposed. Whenever an operator has knowledge that any portion of a buried pipeline is exposed, the exposed portion must be examined for evidence of external corrosion if the pipe is bare, or if the coating is deteriorated. If external corrosion requiring remedial action under §§192.483 through 192.489 is found, the operator shall investigate circumferentially and longitudinally beyond the exposed portion (by visual examination,**

indirect method, or both) to determine whether additional corrosion requiring remedial action exists in the vicinity of the exposed portion.

TGP did not meet the requirements of the regulation because it did not maintain a record required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition did not exist.

During PHMSA's inspection, an exposed pipe was observed on Line 100-1 (Section 14 Lange Prop) upstream of Valve Site 14. Records reviewed during the inspection demonstrate that TGP did not sufficiently document the condition of the exposed pipe with respect to corrosion or coating deterioration.

4. § 192.706 Transmission lines – Leakage Surveys.

Leakage surveys of a transmission line must be conducted at intervals not exceeding 15 months, but at least once each calendar year. However, in the case of a transmission line which transports gas in conformity with § 192.625 without an odor or odorant, leakage surveys using leak detector equipment must be conducted—

(a) In Class 3 locations, at intervals not exceeding 7 1/2 months, but at least twice each calendar year;

TGP did not meet the requirements of the regulation because it did not conduct at intervals not exceeding 15 months, but at least once each calendar year, a leakage survey on a transmission line which transports gas in conformity with § 192.625 without an odor or odorant. Specifically, TGP used a device not suited for leak detection on a gas transmission pipeline.

PHMSA's review of leak survey patrolling records for the years 2021 and 2022 reveal that TGP used an instrument unsuited for leak detection on the ROW. TGP documented that a RKI GX-2009 MSHA Portable Gas Monitor was utilized for leak surveys on Lines 100-1 and 100-3, at District 302 New Caney, Texas, a non-odorized Class 3 location. Per manufacturer documentation, the referenced device is intended for personal safety and is not an acceptable leak detector equipment for performing leakage surveys in accordance with § 192.706(a).

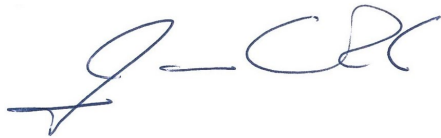
Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$257,664 per violation per day the violation persists, up to a maximum of \$2,576,627 for a related series of violations. For violation occurring on or after March 21, 2022, and before January 6, 2023, the 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 Tennessee Gas Pipeline Company, 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 2-2023-021-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 blue ink, appearing to read 'J. Urisko', with a stylized flourish at the end.

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