U.S. Department
of Transportation

Pipeline and Hazardous Materials Safety Administration

230 Peachtree Street N.W.
Suite 2100
Atlanta, GA 30303

WARNING LETTER

VIA ELECTRONIG MAIL TO: Steven_Romano@kindermorgan.com; Tom_Otjen@kindermorgan.com; Zach_Ragain@kindermorgan.com

July 15, 2025

Steven Romano
Chief Operating Officer
El Paso Natural Gas Co.
1001 Louisiana St.
Suite 1000
Houston, TX 77002

CPF 2-2025-002-WL

Dear Mr. Romano:

From February 21, 2023 to October 20, 2023, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected El Paso Natural Gas Company, L.L.C. (EPNG) procedures, records, and facilities in Oklahoma, Texas, New Mexico, Colorado, and Arizona.[1]

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 items inspected and the probable violations are:

1. § 192.5 Class Locations.

[1] El Paso Natural Gas Company, L.L.C., is a subsidiary of Kinder Morgan. *See* https://pipeportal.kindermorgan.com/portalui/DefaultKM.aspx?TSP=EPGD (last accessed June 2, 2025).

(a) This section classifies pipeline locations for purposes of this part. The following criteria apply to classifications under this section.

(1) A “class location unit” is an onshore area that extends 220 yards (200 meters) on either side of the centerline of any continuous 1- mile (1.6 kilometers) length of pipeline.
(2)….

(b) Except as provided in paragraph (c) of this section, pipeline locations are classified as follows:
(1) A Class 1 location is:
(i) An offshore area; or
(ii) Any class location unit that has 10 or fewer buildings intended for human occupancy.
(2) A Class 2 location is any class location unit that has more than 10 but fewer than 46 buildings intended for human occupancy.

EPNG failed to comply with 49 CFR § 192.5(b)(2) because it did not properly identify certain Class 2 locations.

At the time of PHMSA's inspection, EPNG presented its current class locations graphically through Kinder Morgan’s GeoMap software. Two locations, one just west of Amarillo, Texas, and the other just west of Flagstaff, Arizona, were classified as Class 1 locations in the GeoMap software. However, each of these locations met the definition of a Class 2 location.

Each location consisted of a main line with a branch line extending laterally from the main line. Each main line was listed as a Class 1 location, while the branch line was listed as a Class 2 location. In each location, buildings intended for human occupancy (BIHOs) were located within 220 yards of the centerline on the mainline and branch line such that more than 10 BIHOs were contained within the class location unit extending from the main line to the branch line. The transition from the main to the branch line is a continuous length of pipeline under § 192.5(a)(1).

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed $272,926 per violation per day the violation persists, up to a maximum of $2,729,245 for a related series of violations. For violation occurring on or after December 28, 2023 and before December 30, 2024, the maximum penalty may not exceed $266,015 per violation per day the violation persists, up to a maximum of $2,660,135 for a related series of violations. For violation occurring on or after January 6, 2023 and before December 28, 2023, the maximum penalty may not 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.

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 items identified in this letter. Failure to do so will result in EPNG 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 2-2025-002-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,

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