U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

901 Locust Street, Suite 480
Kansas City, MO 64106

NOTICE OF AMENDMENT

VIA ELECTRONIC MAIL TO: tom_martin@kindermorgan.com
and quintin_frazier@kindermorgan.com

February 26, 2021

Tom Martin
President, Gas Pipelines
Kinder Morgan, Inc.
1001 Louisiana St., Suite 1000
Houston, TX 77002

CPF 3-2021-5007M

Dear Mr. Martin:

From March 3, 2019 through September 27, 2019, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of the Pipeline Safety, Central Region pursuant to Chapter 601 of 49 United States Code inspected Kinder Morgan Utopia LLC's (Kinder Morgan) procedures for its pipeline facilities subject to 49 CFR Part 195.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Kinder Morgan's procedures, as described below:

1. §195.402 Procedural manual for operations, maintenance, and emergencies

> **(a) . . .**
> **(e) *Emergencies*. The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an emergency condition occurs:**

Kinder Morgan Utopia LLC/LTD's Pipeline Emergency Response Plan (ERP) is inadequate.

Specifically, in Section 3.1, "Initial Response Actions," under the Medium Leak topic area of the Emergency Planning Zone (EPZ), it references "no indication of gas present." However, Kinder Morgan's Utopia pipeline deals with hazardous vapors, not gas associated with a methane release. Section 3.1 also discusses evacuations and references an EPZ zone. However, the EPZ zone is not clearly defined either by referencing a different procedure or clarifying that it is meant to be the same as outlined in the Large Leak section.

Furthermore, the ERP is inadequate because it uses the term "Superintendent" inconsistently. For example, Section 3.1, under the "Tornadoes/Straight Line Winds Specific Response" states, "After the Tornado is over, the Superintendent will organize search and rescue teams if anyone is not accounted for" and "The Superintendent will assess the situation to determine the best approach to follow in returning to normal operations." The Superintendent title is inconsistent with other parts of the ERP, and information provided by Kinder Morgan personnel during the inspection did not provide clarity with respect to the title, Superintendent.

The Emergency Response Plan must be amended to adequately address the requirements of § 195.402(e).

2. §195.402 Procedural manual for operations, maintenance, and emergencies

(a) . . .
(e) *Emergencies*. The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an emergency condition occurs:

(1) . . .
(3) Having personnel, equipment, instruments, tools, and material available as needed at the scene of an emergency.

Kinder Morgan Utopia LLC/LTD's ERP is inadequate in Section 3, "Response Actions," as there is no list of equipment identified for the personnel (investigating crew) for all size leaks (small, medium, large). Section 3.1 does list some equipment that would be required under the "Small Leak" and "Medium Leak" topic areas, but no equipment is listed as required for a "Large leak," or large-type emergency. While Kinder Morgan indicated to PHMSA that fire extinguishers are standard equipment on all company vehicles, fire extinguishers are not identified as equipment available for employees responding to Small, Medium, or Large Leaks.

In addition, the ERP is inadequate in Section 3, "Response Actions," as it does not identify air-monitoring equipment for Large Leaks. Kinder Morgan indicated during the inspection that air-monitoring equipment for Small and Medium Leaks consists of explosion meters and that air-monitoring equipment would be used to identify safe zones for Large Leaks. However, the ERP does not identify air-monitoring equipment as being required for employees responding to Large Leaks.

The Emergency Response Plan must be amended to adequately address the inadequacies outlined above and the requirements of §195.402(e)(3).

3. § 195.452 Pipeline integrity management in high consequence areas.

(a) . . .
(l) ***What records must an operator keep to demonstrate compliance?***
(1) . . .

(i) . . .
(ii) Documents to support the decisions and analyses, including any modifications, justifications, deviations and determinations made, variances, and actions taken, to implement and evaluate each element of the integrity management program listed in paragraph (f) of this section.

Kinder Morgan's Integrity Management Program (IMP) is inadequate in the following five areas. First, IMP Section 12 "Records and Document Retention", part 3.1, "Records Retention", incorrectly references "the Record Retention Table of Section 4". The correct section reference for the Records Retention Table is Section 5.

Second, the IMP is inadequate as it does not clearly articulate in Section 12 all procedures that are referenced in the program and associated records that support decisions and analyses. For example, Procedure LO&M 923, "Continuing Assessment and Analysis," requires Form L-OM900-12, "Assessment Interval Evaluation Form," to be completed. However, Procedure LO&M 923 and Form L-OM900-12 are not referenced in Section 12 of the IMP.

Third, the IMP is inadequate in Section 12 with respect to referenced procedures and documentation required when using a hydrostatic pressure test as a baseline assessment method. Specifically, Procedure LO&M 923, "Continuing Assessment and Analysis," requires Form L-OM900-12 titled "Assessment Interval Evaluation Form." However, neither the IMP nor LO&M 923 indicate when a hydrotest is used as a baseline assessment if or when Form L-OM900-12 is required. Similarly, it is unclear in the IMP and referenced document LO&M 914 titled "Appropriate Assessment Tool and Vendor Selection," when Form L-OM900-11, "Assessment Selection and Justification," is required to be completed. The IMP plan is not clear if Form L-OM900-11 would be required at the time of an initial pressure test used for a baseline assessment.

It is not clear in the IMP if Form L-OM900-11 or Form L-OM900-12, or both, would be required at the time of an initial pressure test used for a baseline assessment.

Fourth, the IMP is inadequate as the LO&M 914 procedure does not clarify conditions under which documents should be attached associated with Form L-OM900-11. Forms L-OM900-11 reviewed during the inspection associated with the Utopia system did not identify any attachments as outlined in the Documentation section of these Forms.

Fifth, the IMP is inadequate as the program discusses the Action Plan, ILI Action Plan, and Form L-OM900-11, “Assessment Selection and Justification” in various sections, but does not provide instructions for when these documents should be used. During the inspection, Kinder Morgan provided documents labeled as “Action Plan Form 900-11.” However, it remained unclear if these plans and forms are intended to be synonymous with the operator-provided information and program documents.

The IMP must be amended to correct the inadequacies outlined above associated with referenced procedures and documentation.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under §190.211. If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 60 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that Kinder Morgan Utopia LLC maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Gregory A. Ochs, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 3-2021-5007M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

GREGORY OCHS Digitally signed by GREGORY OCHS
Date: 2021.02.26 08:43:37 -06'00'

Gregory A. Ochs
Director, Central Region, OPS
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Enforcement Proceedings*

cc: Quintin Frazier, Director-Compliance Codes/Standards,
quintin_frazier@kindermorgan.com