

WARNING LETTER

VIA E-MAIL TO MR. JESSE ARENIVAS

March 15, 2021

Mr. Jesse Arenivas
President, CO₂ Pipelines
Kinder Morgan CO₂
1001 Louisiana St, Suite 1000
Houston, TX 77002

CPF 5-2021-006-WL

Dear Mr. Arenivas:

From September 28 through October 2, 2020, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Kinder Morgan CO₂'s procedures and records associated with welding, inspections, certifications, and operator qualifications in Houston, Texas.

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. **§ 195.222 - Welders and welding operators: Qualification of welders and welding operators.**
 - (a) **Each welder or welding operator must be qualified in accordance with section 6, section 12, Appendix A or Appendix B of API Std 1104 (incorporated by reference, *see* § 195.3), or section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC), (incorporated by reference, *see* § 195.3) except that a welder or welding operator qualified under an earlier edition than listed in § 195.3, may weld but may not requalify under that earlier edition.**

Welding qualification records failed to show that the welder remained within the welding parameters during the qualifying test. Travel speed is an essential variable shown in both Kinder

Morgan's Welding Procedure Specification, Procedure #407.A223A (Revised August 31, 2012, and Procedure # 407.027B (Revised October 1, 2005). Additionally, these procedures indicate that the maximum time between the End of Root Bead and Start of 2nd Bead is 5 minutes (also an essential variable).

Welding qualifications for an employee (dated April 26, 2018) fail to demonstrate that he was qualified to the procedure due to missing data including travel speed for each pass, the voltage and ampere range for each pass, and the time between the end of the root pass and the start of the second bead pass.

2. § 195.228 - Welds and welding inspection: Standards of acceptability.

(a) Each weld and welding must be inspected to insure compliance with the requirements of this subpart. Visual inspection must be supplemented by nondestructive testing.

During a review of repair records associated with the B-Sleeve installation and Final Magnetic Particle (MT) reports, the records fail to identify the names or initials/stencils of the welders who performed the welding of the installed sleeves. The records indicate a "NV" for the welder's identification. The operator initially could not explain what "NV" meant. After several phone calls to the vendor who provided the welding inspections, "NV" was identified as "Not Verified."

The Non-Destructive Testing (NDT) records provided to demonstrate weld and welding inspection fail to identify who performed the welds for the B-Sleeve installations.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to 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 items identified in this letter. Failure to do so will result in Kinder Morgan CO₂ 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 5-2021-006-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,

Dustin Hubbard
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry
PHP-500 D. Fehling (#20-191754)