



US Department  
of Transportation

Research and  
Special Program  
Administration

400 Seventh Street, S.W.  
Washington, D.C. 20590

NOV 19 2004

Mr. David L. Young  
Senior Vice President  
MarkWest Hydrocarbon, Inc.  
155 Inverness Drive West  
Suite 200  
Englewood, CO 80112-5000

Re: CPF No. 2-2004-5017H

Dear Mr. Young:

Enclosed is an amendment to the Corrective Action Order issued on November 18, 2004 by the Associate Administrator for Pipeline Safety in the above-referenced case. This Amendment requires further corrective actions with respect to the Maytown Station to Ranger Junction segment of your Appalachian Liquid Pipeline System.

Service is being made by certified mail and telecopy. Your receipt of the enclosed document constitutes service of that document under **49 C.F.R. § 190.5**. The terms and conditions of this amendment are effective upon receipt.

Sincerely,

James Reynolds  
Pipeline Compliance Registry  
Office of Pipeline Safety

Enclosure

**VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED) AND TELECOPY**

**DEPARTMENT OF TRANSPORTATION  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, DC 20590**

**In the Matter of** )  
 )  
**MarkWest Hydrocarbon, Inc.,** )  
 )  
**Respondent.** )

**CPF No. 2-2004-5017H**

**AMENDMENT TO CORRECTIVE ACTION ORDER**

On November 18, 2004, the Associate Administrator issued a Corrective Action Order (Order) finding that the continued operation by MarkWest Hydrocarbon (Respondent) of the Maytown Station to Ranger Junction segment of its Appalachian Liquid Pipeline System would be hazardous to life, property, and the environment without the implementation of corrective measures.

This Amendment supplements information provided in the Order based upon information gained in the course of the investigation of the failure that occurred on November 8, 2004. It also adds additional specific requirements to the Order.

**Additional findings**

1. The ongoing investigation of the November 8, 2004 failure on the Maytown Station to Ranger Junction segment in Ivel, Floyd County, Kentucky, has identified a 4-inch raised stem valve that may have played a role in the pipeline's failure.
2. An employee of Respondent has indicated that the valve had been opened; however, the investigation has found that the valve stem was in the open position but the valve itself was closed.
3. The pipeline had not been over pressured but records showed an increase in the pressure corresponding to when the pipe segment failed.

**Determination of Necessity for Amendment of Corrective Action Order and Right to Hearing**

Section 601 12 of Title 49, United States Code, provides for the issuance of a corrective action order, after reasonable notice and the opportunity for a hearing, requiring corrective action, which may include the suspended or restricted use of a pipeline facility, physical inspection, testing, repair, replacement, or other action as appropriate. The basis for making the determination that a pipeline facility is hazardous, requiring corrective action, is set forth both in the above referenced statute and 49 C.F.R. § 190.233.

Section 601 12, and the regulations promulgated thereunder, provide for the issuance of a corrective action order without prior opportunity for notice and hearing upon a finding that failure to issue the order expeditiously will result in likely serious harm to life, property or the environment. In such cases, an opportunity for a hearing will be provided as soon as practicable after the issuance of the order.

Taking into consideration the facts alleged in the Order as well as the above factual amendments, I continue to find that the operation of this pipeline without additional corrective measures would be hazardous to life, property and the environment. Additionally, after considering the circumstances surrounding this failure, including the pressure increase, the proximity of the pipeline to highways, drinking water sources, and populated areas, the combustible nature of the products the pipeline transports, and the circumstances surrounding the way the valve functioned at the time of the failure, I find that the failure to expeditiously issue this Amendment would result in likely serious harm to life, property, and the environment.

Accordingly, this Amendment mandating needed immediate corrective action is issued without prior notice and opportunity for a hearing. The terms and conditions of this Amendment are effective upon receipt.

Within 10 days of receipt of this Amendment, the Respondent may request a hearing, to be held as soon as practicable, by notifying the Associate Administrator for Pipeline Safety in writing, delivered personally, by mail or by telecopy at (202) 366-4566. The hearing will be held in Atlanta, GA or Washington, DC on a date that is mutually convenient to OPS and Respondent. [If Respondent requests a hearing on the Order, the two hearings will be consolidated.]

After receiving and analyzing additional data in the course of this investigation, OPS may identify other longer term measures that need to be taken. Respondent will be notified of any additional measures required and further amendment of the Order will be considered. To the extent consistent with safety, Respondent will be afforded notice and an opportunity for a hearing prior to the imposition of any additional corrective measures.

### **Discussion of Amendment**

The continuing investigation of the November 8, 2004 failure of the pipeline segment in Floyd County, Kentucky has identified a 4-inch raised stem valve that may have contributed to the failure. The investigation has found that the valve stem was in the open position but the valve itself was closed. Records also showed an increase in pressure that corresponded to the time of failure. Respondent has removed the valve from the pipeline and placed it on a trailer at Respondent's facility in Boldman, KY. An independent investigation of the valve is needed to determine if the valve may not have functioned as specified and have been a contributing factor in the failure that resulted in fires, explosions, nine injuries and the destruction of five homes. OPS has requested that Respondent secure the valve in a locked, indoors location, until the valve can be independently examined.

### **Amendment**

Pursuant to 49 U.S.C. § 60112, I hereby order MarkWest Hydrocarbon, Inc. to immediately take the following corrective actions with respect to the Maytown Station to Ranger Junction segment of Respondent's Appalachian Liquid Pipeline System:

*The following sections of the November 18, 2004 Corrective Action Order are amended as follows:*

Current Sections 7 and 8 are renumbered 8 and 9 respectively.

*A new section 7 is added to the Order:*

7. Provide for **an** independent examination of the valve at issue to determine if the valve failed or did not perform according to its specifications. Respondent must provide to the Southern Regional Director the name or names of those who are most qualified to perform a thorough and an unbiased examination of the valve. The Regional Director must approve the entity that will perform the examination. Respondent must ensure that the valve is secured in a locked, indoors location until it is transferred for examination. Provide for the independent examiner to submit to the Regional Director the analysis and report of the valve examination at the same time the report is submitted to Respondent.

The terms of the November 18, 2004 Corrective Action Order, as modified by this Amendment, remain in effect.

Failure to comply with this Order may result in the assessment of civil penalties of not more than \$100,000 per day and in referral to the Attorney General for appropriate relief in United States District Court.

*William H. Guts*  
*For*

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Stacey Gerard  
Associate Administrator  
for Pipeline Safety

NOV 19 2004

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Date Issued