



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

820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628
609.989.2171

NOTICE OF AMENDMENT

EXPRESS OVERNIGHT MAIL

August 8, 2013

Mr. Barry Cigich, VP Ops & Engineering
Inergy Midstream.
Two Brush Creek Boulevard, Suite 200
Kansas City, MO 64112

CPF 1-2013-1013M

Dear Mr. Cigich:

From March 26-30, 2012, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the Central New York Oil and Gas (CNYOG) pipeline facilities' (a subsidiary of Inergy Midstream), procedures and records in Bradford County, PA, and Owego, NY.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within your plans or procedures, as described below:

1. §192.605 Procedural manual for operations, maintenance, and emergencies.

(a)...

(b) Maintenance and normal operations.

(9) Taking adequate precautions in excavated trenches to protect personnel from hazards of unsafe accumulation of gas, and making available when needed at the excavation emergency rescue equipment including a breathing apparatus and, a rescue harness and line.

CNYOG Procedure No. 510, Revision 2, dated June 18, 2007, Excavations Near Company Pipeline, was inadequate in that it did not address the requirements of §192.605(b)(9). Specifically, the procedure did not include:

1. Precautions that must be taken in excavated trenches to protect personnel from hazards of unsafe accumulation of gas.
2. Guidance on when emergency rescue equipment including breathing apparatus, a rescue harness and line are needed.

2. 192.225 Welding procedures.

(a) Welding must be performed by a qualified welder in accordance with welding procedures qualified under section 5 of API 1104 or Section IX of the ASME Boiler and Pressure Vessel code to produce welds meeting the requirements of this subpart.

CNYOGs Procedure 605 – Revision 1, dated February 25, 2004, Qualification For Welding and Welders, was inadequate in that it allows the use of an outdated standard for qualification of welding procedures applicable to maintenance and repair welding.

Specifically, page 3, under Welding Procedures, paragraph 2, states that API Recommended Practice 1107 may be used to qualify welding procedures applicable to maintenance and repair welding. API 1107 is an outdated standard and has been replaced by API 1104. API 1107 is not approved by §192.225 for qualifying welding procedures.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. 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). 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 a Final Order.

If, after opportunity for a hearing, 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. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 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 CNYOG maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Byron E. Coy, PE, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to CPF 1-2013-1013M and, for each document you submit, please provide a copy in electronic format whenever possible. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

Byron Coy, PE
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

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