



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Operations Division

811 SW Sixth Avenue

Portland, OR 97204-1390

(503) 229-5696

FAX (503) 229-5675

TTY 711

October 10, 2014

Shawn O'Neil  
O'Neil Law, LLC  
8775 SW Citizens Drive, Suite 202  
Wilsonville, OR 97070

RE: PRR\_O'Neil7494

Dear Mr. O'Neil:

Enclosed please find the records you requested pertaining to the Kinder Morgan Pipeline.

Please contact me at your earliest convenience if you should have any questions regarding these records.

I can be reached at 503-229-5815, or by email, [bolden.elizabeth@deq.state.or.us](mailto:bolden.elizabeth@deq.state.or.us).

Sincerely,

Elizabeth Bolden  
Administrative Specialist  
Environmental Cleanup and Emergency Response Program

Enclosures

# O'NEIL LAW LLC

SHAWN M. O'NEIL  
ATTORNEY AND MEDIATOR  
LICENSED IN OREGON & WASHINGTON  
8755 SW CITIZENS DRIVE, SUITE 202  
WILSONVILLE, OR 97070  
T 503.570.8755 | F 503.570.8757  
SMO@SHAWNONEIL.COM |  
WWW.WILSONVILLELAWYER.COM

September 2, 2014  
RecordsRequest@deq.state.or.us  
State of Oregon  
Department of Environmental Quality  
811 SW 6<sup>th</sup> Avenue  
Portland, Oregon 97204

## Re: Public Records Request Concerning Kinder Morgan Pipeline/Waiver of Fees

Dear Sir/Madam:

I am writing on behalf of concerned residents in the City of Wilsonville, Oregon, situated in Clackamas and Washington Counties. Under the Oregon Public Records Law ORS 192.410 to ORS 192.505, I am requesting to obtain and inspect copies of public records pertaining to the Kinder Morgan Pipeline (the "Pipeline") that runs from the Kinder Morgan Willbridge facility in Portland, Oregon to the Kinder Morgan facility in Eugene, Oregon.

### I. Background

The Pipeline, which is approximately 113 to 115 miles in length, was originally installed 52 years ago by Southern Pacific Pipeline, a subsidiary of Southern Pacific Corporation and a sister subsidiary to the Southern Pacific Railroad. When first installed, the Pipeline was originally buried 4 to 4 ½ feet underground and travelled through undeveloped land. After the parent company's merger with Santa Fe in 1983, the Pipeline was acquired by the newly formed company Santa Fe Pacific Pipelines, Inc. The Pipeline—often identified as the Santa Fe Pipeline—crosses a number of waterways including the Willamette River, which serves as the main water supply for Wilsonville, Oregon. Kinder Morgan acquired the pipeline in 1997 after it purchased Santa Fe Company. The Pipeline reportedly transports refined and highly flammable petroleum fuel products including gasoline, diesel, ethanol, and jet fuels. In 1999, it was reported that Kinder Morgan was pumping approximately 1.6 million gallons of fuel daily through the Pipeline under pressure 8 times more powerful than a fire hose. In 2014 the demand for fuel has significantly increased, and the population and housing density surrounding the Pipeline has substantially risen since 1962. In 1969, the population of Wilsonville was only 1000 people and was situated substantially west of the Pipeline. The current population exceeds 21,000 and the density of the population within a few yards of the Pipeline path is substantially higher. The pipeline travels through the play field of one public school in the area, and several dense

2. Oregon Department of Environmental Quality  
September 2, 2014  
Re: Public Records Request Concerning Kinder Morgan Pipeline

communities in Sherwood and Wilsonville. Since the installation of the pipeline, the Willamette River has flooded Wilsonville twice first in 1964 and later in 1996. On September 13 1989, a construction worker drove a bulldozer through a stream bed, rupturing the line in Marion County, Oregon and causing 30,000 gallons of gasoline to spill in Mill Creek. As a result of this incident, neighborhoods had to be evacuated due to the fumes, and there were widespread concerns that the vapors would ignite and endanger these neighborhoods.

In light of this potential threat, there is a substantial public interest for information about the current safety of the Pipeline, the safety measures that are currently in place to prevent pipeline accidents, contingency plans in case there are accidents, and its impact to the soil, and water in which it travels through.

## II. Documents Requested

The documents requested preferably in Electronic PDF format are as follows:

- Copy (1)
1. A complete copy of the current Kinder Morgan Energy Spill Contingency Plan with regard to the Pipeline.
  2. A complete copy of the current disaster response plan your agency has to address/respond to issues associated with the rupture or damage to the Pipeline.
  3. A complete copy of any disaster plan created by Kinder Morgan and provided your agency concerning the Pipeline and how Kinder Morgan intends to coordinate with state, federal, and local agencies.
  4. All documents evidencing the meetings between Kinder Morgan representative(s) and your agency concerning Pipeline Safety, emergency or disaster planning concerning a pipeline rupture, leak or contamination.
  5. All documents memorializing how your agency will respond to and coordinate with local governments and Kinder Morgan concerning Pipeline accidents.
  6. All documents that identify the age of every portion of the Pipeline including all welded connection points.
  7. All documents recording all smart pig internal inspections of the line that have occurred from 1997 to the present including results of such inspections.
  8. All documents pertaining to any other testing done on the Pipeline from 1997 to present to identify structural integrity and corrosion.
- DON?



3. Oregon Department of Environmental Quality

September 2, 2014

Re: Public Records Request Concerning Kinder Morgan Pipeline

9. All documents identifying any other monitoring of the safety and integrity of the Pipeline.
10. All documents identifying disaster/emergency response drills conducted by Kinder Morgan on its own and jointly with federal, state and local agencies regarding potential pipeline related emergencies in the City of Wilsonville.
11. All documents evidencing the application of a cathodic protection to the Pipeline after 1997.
12. All documents evidencing any type of protective coating placed on the Pipeline.
13. All documents identifying the current depth of the Pipeline underground taking into account erosion, farming, and building that has occurred since 1962.
- Spill Cleanup?  
14. All documents pertaining to soil/water samples taken from or near the Pipeline path of travel since 1997.
15. All documents provided by your agency to local governments situated in Clackamas, Washington, and Marion Counties concerning the Pipeline.
16. All documents evidencing all investigations, reports, and findings prepared by DEQ or given to DEQ regarding the Pipeline.
17. All documents evidencing any technical assistance, compliance inspections, investigations of complaints, warning letters, assessments of civil penalties, or compliance orders concerning Kinder Morgan and the Pipeline.
18. All documents that contain information concerning the current pressure and volume of fuel being transported through the Pipeline.
19. All documents that contain information concerning the current state and federal standards regarding the life cycle of piping materials identical to or substantial to the materials contained in the Pipeline.
20. A copy of all current state and federal welding standards with respect to welding and material requirements required at pipeline connection points for refined petroleum pipelines identical to or substantially similar to the Pipeline.



4. Oregon Department of Environmental Quality  
September 2, 2014  
Re: Public Records Request Concerning Kinder Morgan Pipeline

21. A copy of all documents that you have in your possession and control concerning the testing of the integrity of the Pipeline including testing done in Washington and Clackamas Counties, Oregon.

### **III. Fees/Costs/Waiver**

If there are any fees/costs for searching or copying these records, please inform me if the cost will exceed \$20. However, I would also request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the integrity and safety of the Pipeline, the local, state, and federal response to a pipeline emergency, and the coordination between Kinder Morgan and the relevant public agencies concerning the Pipeline. This is extremely important information for those Oregon citizens living near or adjacent to the 115 mile path of this Pipeline. This information is not being sought for commercial purposes.

I would request a prompt response to this request. If you expect a significant delay in responding to or in fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering this request.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Shawn M. O'Neil', with a large, stylized initial 'S'.

Shawn M. O'Neil

cc: Clients

## SMITH Scott

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**From:** SMITH Scott  
**Sent:** Monday, June 20, 2011 4:04 PM  
**To:** 'Mathis, Charles'  
**Subject:** RE: Contingency Plan Meeting 7-6-11  
**Attachments:** KM spill hist.pdf

Hi Chuck,

I think the issue with notifications has been satisfactorily addressed because it specifies that you will report a volume. Of course if there is anything in the L O&M 159 Attachment 5 that would prevent an actual volume from being reported, we would take issue with it, however I am not interested in looking into internal KM documents unless the company demonstrates a need for us to do so. Naturally, we perform our own calculations when a spill does occur, but the spirit of this regulation is to generally tell responders whether we're dealing with a few gallons, a few hundred, or a larger mess.

The reportable spill history was successfully completed for the Linnton and Oregon Pipelines with new pages added that date to April 2011. However the page for the Willbridge facility is still from last year dated July 2010 and it does not have the reportable spill history on it. I assume this is a clerical mistake and you can simply send me a copy of the updated page with the spill history on it. I have attached the Linnton facility's page as well as that for willbridge to demonstrate what I'm talking about.

Hopefully that answers your questions. If not, just let me know!

-Scott

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**From:** Mathis, Charles [[mailto:Charles\\_Mathis@kindermorgan.com](mailto:Charles_Mathis@kindermorgan.com)]  
**Sent:** Monday, June 20, 2011 6:16 AM  
**To:** SMITH Scott  
**Subject:** RE: Contingency Plan Meeting 7-6-11

Scott,

When I talked with Andy and Jeff last week they mentioned that they had received some correspondence from you regarding the ICP. They mentioned that you raised an issue with the Reportable Spill History. Could you email me the text related to that? I had not received anything before I left Friday and will not be back in the office until Monday the 27th. Did I understand that the notification issues are satisfactorily addressed?

Thanks.

*Chuck Mathis*  
*Manager - Emergency Response Programs*  
*Kinder Morgan Energy Partners, L.P.*  
*713.369.8530 Office*  
*832.405.1701 Cell*  
*713.369.9215 Fax*  
*[Charles\\_mathis@kindermorgan.com](mailto:Charles_mathis@kindermorgan.com)*

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**From:** SMITH Scott [<mailto:SMITH.Scott@deq.state.or.us>]

**Sent:** Thursday, June 16, 2011 4:20 PM

**To:** Holbrook, Andrew; Mathis, Charles

**Subject:** Contingency Plan Meeting 7-6-11

Hello,

I have scheduled a conference room to be available on July 6<sup>th</sup> at 1:00 PST for us to meet to discuss the Kinder Morgan Spill contingency plan. The meeting will be at DEQ Headquarters at 811 SW 6<sup>th</sup> Ave on the 10<sup>th</sup> floor. Please sign in with reception and then ask for directions to conference room EQC-B. A conference line with a speaker phone will be available. Chuck, let us know what number is best to reach you on prior to the meeting.

If you have any questions please let me know.

-Scott



## 8.2.5 REPORTABLE OIL DISCHARGE HISTORY

Kinder Morgan maintains an online database of reportable spills available at all locations via the company's intranet. The database contains the below listed information to the extent that such information is reasonably identifiable.

- Date of discharge.
- Location of discharge.
- Discharge cause(s).
- Material(s) discharged.
- Amount discharged.
- Amount of discharge that reached navigable waters.
- Amount recovered.
- Effectiveness and capacity of secondary containment.
- Clean-up actions taken.
- Steps taken to reduce possibility of recurrence.
- Total storage capacity of the tank(s) or impoundment(s) from which the material discharged.
- Enforcement actions.
- Effectiveness of monitoring equipment.
- Description of how spill was detected.

History of Oil Discharges Greater in Excess of 25 Barrels (OAR 340-141-0160 (3)(h))					
Date of Discharge	Location of Discharge	Cause of Discharge	Product Discharged	Amount Discharged	NRC Incident Report #
Searches of the Kinder Morgan incident database and the NRC incident report database revealed no discharges of oil in excess of 25 barrels (1,050 gallons) to land or waters of the state from the Linnton Terminal in the five years preceding submittal of this ICP.					

### 8.2.5 REPORTABLE OIL DISCHARGE HISTORY

Kinder Morgan maintains an online database of reportable spills available at all locations via the company's intranet. The database contains the below listed information to the extent that such information is reasonably identifiable.

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- Clean-up actions taken.
- Steps taken to reduce possibility of recurrence.
- Total storage capacity of the tank(s) or impoundment(s) from which the material discharged.
- Enforcement actions.
- Effectiveness of monitoring equipment.
- Description of how spill was detected.

Dave Wahl Inspected KM Linton in <sup>Oct 09</sup>~~Sept~~

- Posting of employees in case of spill (No Phones There)
- Storage of Paperwork
  - Had to wait days to get basic info.
- Storage of Response equipment
- Unmanned.

Rick Silverman

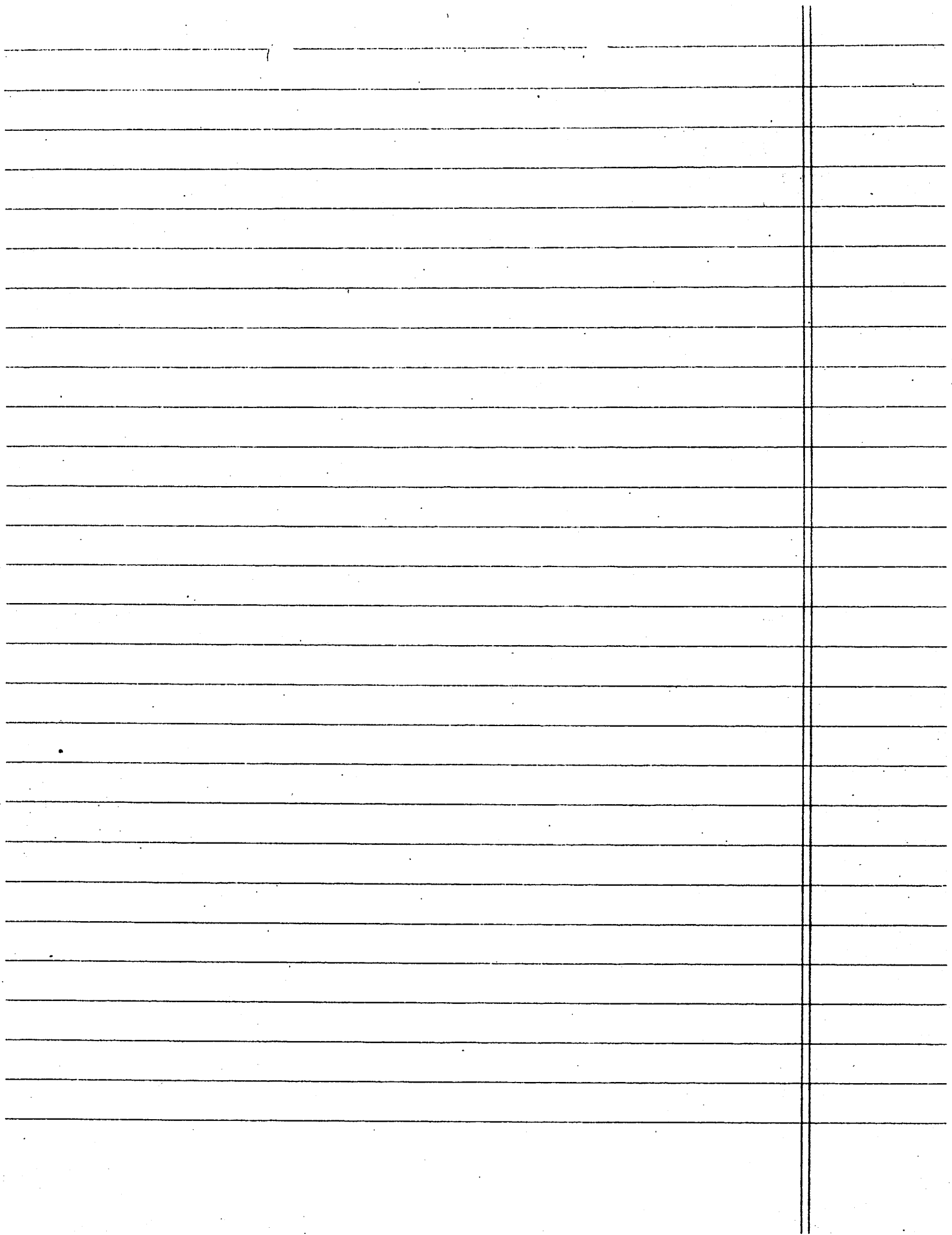
- Pipeline is High Pressure, Retaining wall is single brick + unreinforced.
- @ Pumpstation, vapors + offgassing is an issue. (ignition)
- In Salem + Eugene, what do they do with waste from Pig operations?

Rick Silverman KM Inspections

5477 9 Violations  
Willbridge  
July 08

Dave Wahl  
6385 Linton  
2 Violations  
Oct 09.



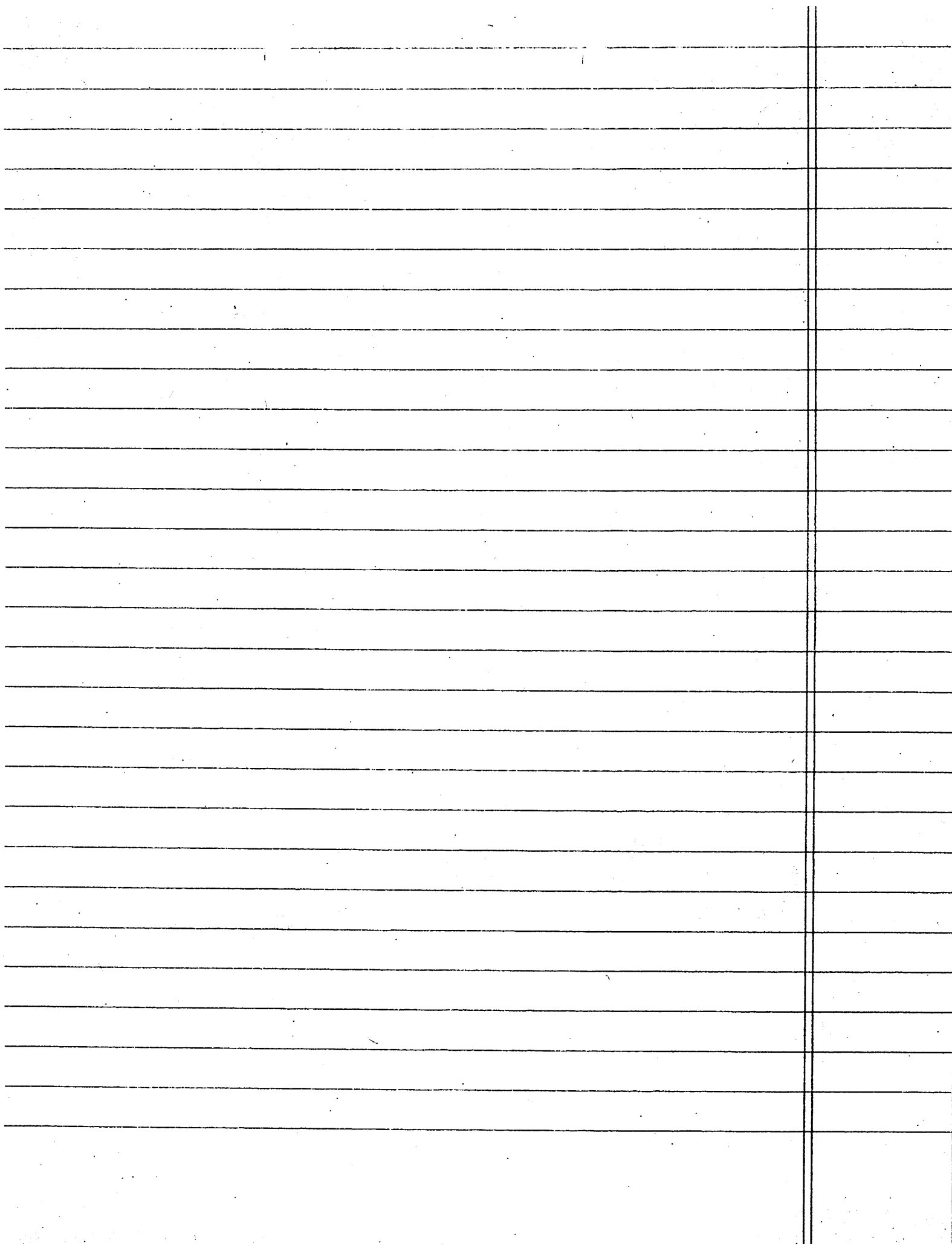


# KM issues w/ Sony A @ WDOE

- KM wildlife Plan not in compliance (May 15 may get Trailer back)
- Km in WA not ~~approved~~ approved till May 15
- Reports of manning issues during transfers (2 ppl on duty)
- " " Failure to Report 500 + 1000 gallon Land Spills
- Past History of under-reporting (SO=4900, ZSO=9,000)
- New ~~policy~~ Policy of reporting "Area" not "Volume."
- No Airport Pipeline into in plan.
- Employee Whistleblowers x2
  - <sup>SO</sup> Spills Unreported, Unmanned X-firs + gagged AQ monitor.
  - <sup>ZSO</sup> Spills unreported
- ENV Crimes meeting Next Friday
- High + High High Level alarms might not be installed as reported
- Poor Past performance at drills. ~~the~~ QI Seemed clueless.

~~the~~

- Seek corroborating evidence.
- Confidential Complaint Form
- Greater priority for Confidential vs Anonymous





Leah Koss NW Neighborhood AQ Public Forum  
Fact Sheet for whistleblowers 3/10/10  
ESCO

- Emergency Response / Spill Prevention Contingency Planning
- NW Env Defense Center.
- OERS needs to notify DEQ of Nat gas / odor calls
- 911 decision Tree (911 SOP for odor calls)
- Kinder Morgan Linton leaking tanks + Remediation wells?
- ~~POEM~~ POEM worst case earthquake drill in 2 years  
- Patty Reuter
- Neighborhood Action Teams
- Get education on types of DEQ Permits.

□ Coordinated Response

Meeting

~~Follow-up~~ ■ Criminal Failure to Report by KM. 500 gal + 1,000 gal Spill

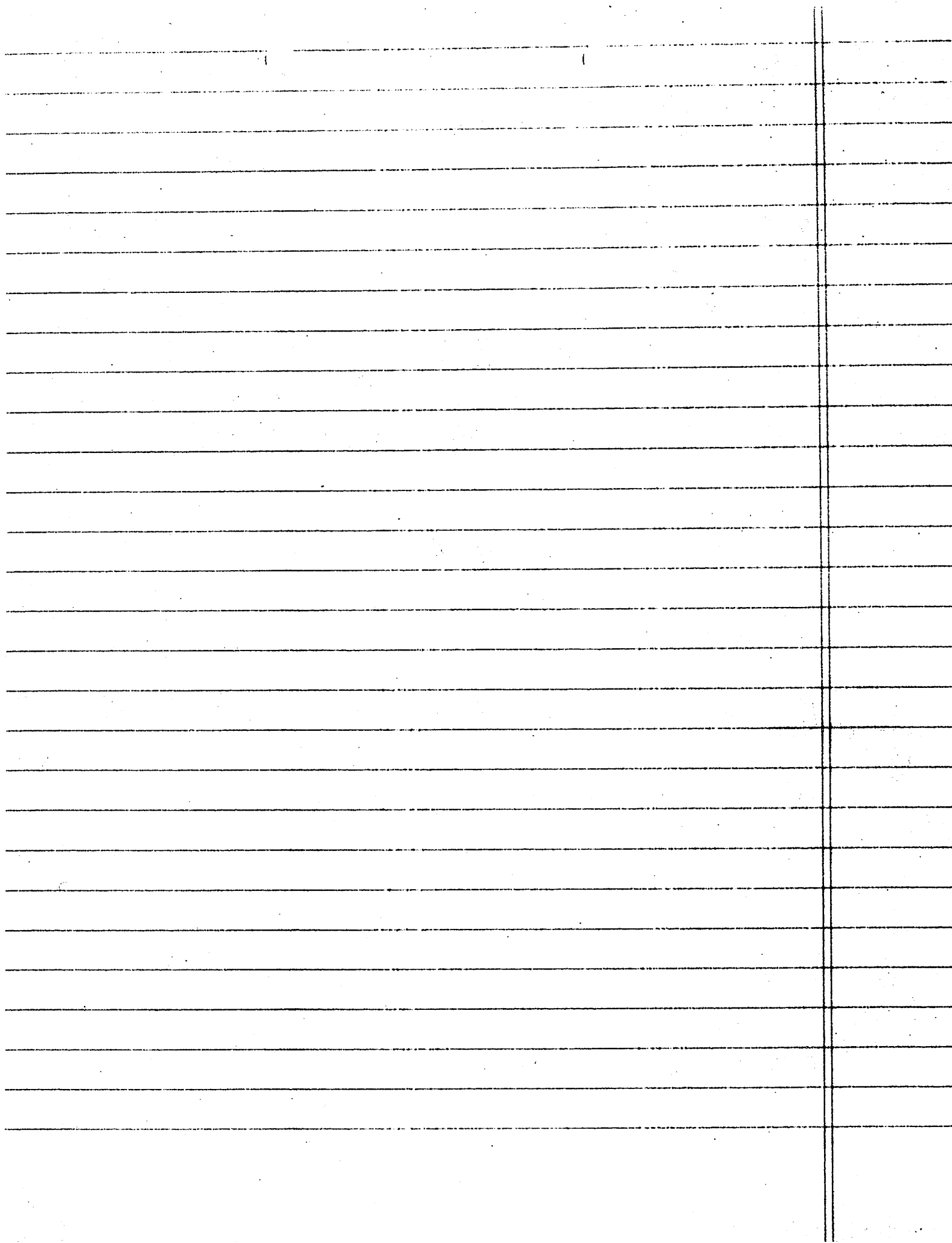
- Sum Canisters Hazmat Teams have them
- Fund Code for AQ
- Guidance on how to follow up on Energy incidents
- Umatilla Model?

- File Confidential Complaint w/ ?
- Bruce. KM Enforcement for Previous (NONE)
- Les

■ Dan Heister 503-326-6869

□

□ Richard Franklin



- Meeting w/ Sonja re: MFSA ~~after~~ <sup>- Add Mike</sup> the Spill Resp Prev. Committee
- ~~at~~ KM update
  - My role w/ ASPEL inspection?
  - Friday Crim Task Force Meeting
  - Plan revision request protocol / Meeting prior?
- Library Done Thanks
- 

60<sup>th</sup> + Belmont 3:00 Friday. Gail

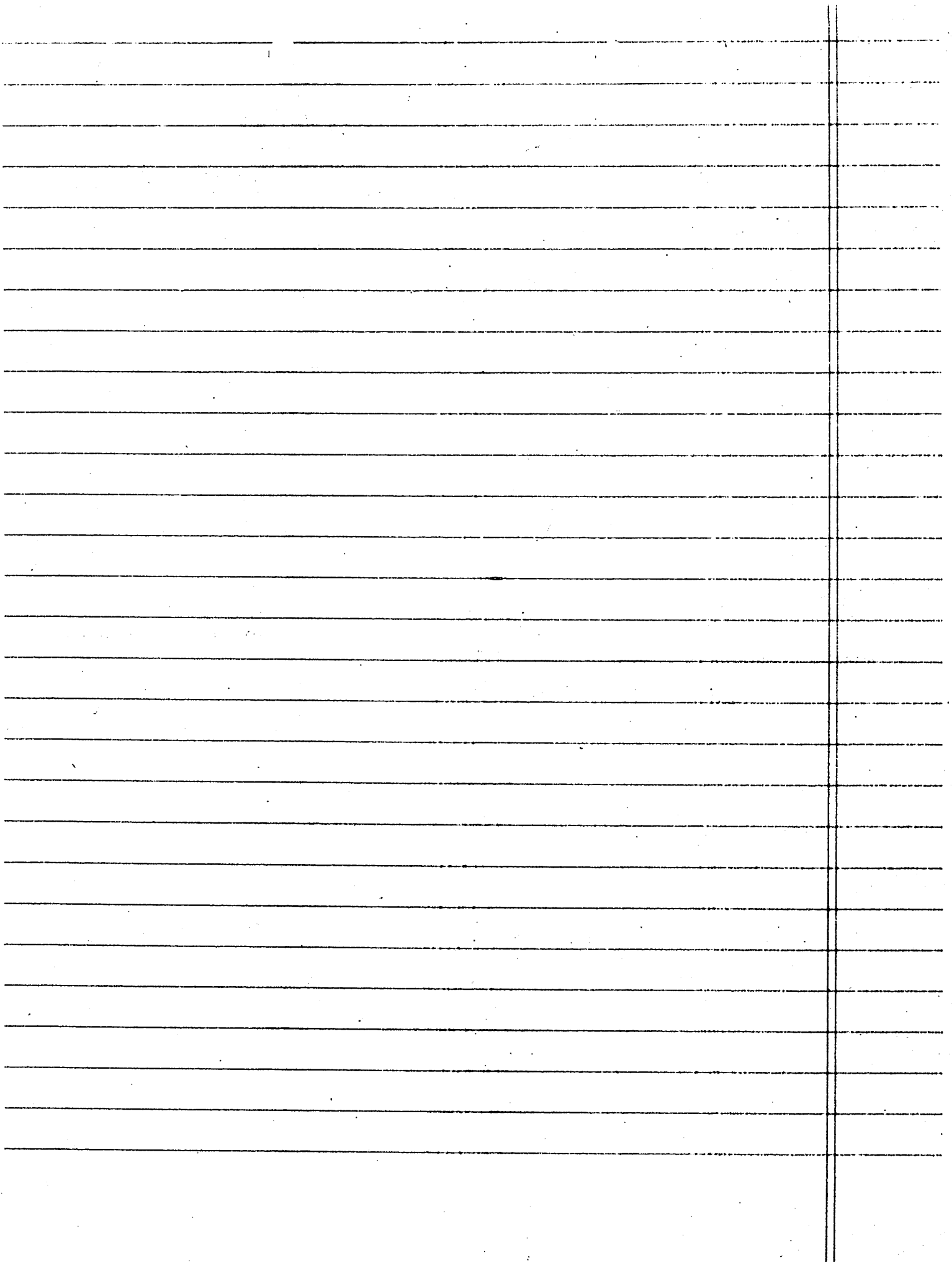
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John Shaw Mar 25<sup>th</sup> 2010

Recalibrations of equipment performed by techs

- $\frac{1}{10} \Rightarrow \frac{1}{4}$  of product missing during night hours.
- Bi-Monthly basis

Jerry Cressa fired from KM for whistleblowing several years ago. Physical threats were made against him resulting in him leaving the State. Has since returned to PDX Area.



## Kindler Morgan Call Log:

1/21/10 Called Chuck Mathis + Greg Westling Re: Paper copy of  
Submitted plan and electronic GIS Files of PDX → Eugene Pipeline

Linton facility Limited  
to vessels 625' + shorter

Willbridge Terminal Limited  
to 700'



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

April 23<sup>rd</sup>, 2013

Chuck Mathis  
Manager, Emergency Response Programs  
Kinder Morgan  
500 Dallas Street  
Suite 1000  
Houston, TX 77002

COPY

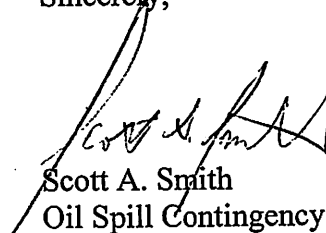
RE: Oil Spill Contingency Plan Amendments

Dear Chuck:

The amendments submitted on March and April, for the Kinder Morgan Integrated Oil Spill Contingency Plan, identified as March 2013 and April 2013 on the Record of Changes Page, have been reviewed and approved by this office.

I have updated the plan with the supplied sections and have replaced and destroyed the previous editions. Please retain a copy of this letter for verification that this submission has been received and approved. If you have any questions, please contact me at (503) 229-5370.

Sincerely,



Scott A. Smith  
Oil Spill Contingency Planner  
Oregon Department of Environmental Quality

Enclosures: None

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Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Headquarters

811 SW Sixth Avenue  
Portland, OR 97204-1390

(503) 229-5696

FAX (503) 229-6124

TTY: 711

April 8<sup>th</sup>, 2013

COPY

Jeff Hibner  
Area Manager, Kinder Morgan  
5880 NW St Helens Rd  
Portland, OR 97210

RE: 1) Approval of Drill Credit for drill held on February 26-27 2013  
2) Status of Warning Letter WL-HQ-LQ-ER-CP-12-01

Dear Jeff:

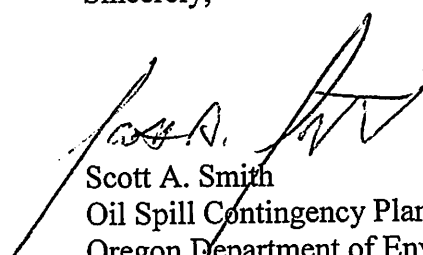
This letter is in response to Kinder Morgan Energy Partners request to receive drill credit for the February 26<sup>th</sup> and 27<sup>th</sup> exercise pursuant to Oregon Administrative Rule (OAR) 340-141-0200. I am pleased to inform you that based on the scenario and the response planning and events observed by agency personnel and the supplemental drill report you submitted, you have received drill credit from the Oregon Department of Environmental Quality for a worst case drill.

As you know, this drill was conducted to respond to the conditions required under a warning letter sent on August 29<sup>th</sup>, 2012 (number referenced above). Due to the hard work of you and your staff I am pleased to let you know that the conditions required within that warning letter have been successfully met, and your facility is now back in compliance with OAR 340-141-140.

As a reminder, warning letters remain on record the three years, so I encourage you to continue to pursue a vigorous training and exercise program in the coming years.

Please retain a copy of this letter for verification that this drill credit has been approved. If you have any questions, please contact me at (503) 229-5370.

Sincerely,

  
Scott A. Smith  
Oil Spill Contingency Planner  
Oregon Department of Environmental Quality

Enclosures: none

CC: Richard Franklin, EPA  
Stu Blanchette, USCG





# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

August 29th, 2012

Jeff Hibner  
Area Manager, Kinder Morgan  
5880 NW St Helens Rd  
Portland, OR 97210

COPY

RE: Warning Letter  
Kinder Morgan Energy Partners  
WL - HQ-LQ-ER-CP-12-01  
**MULTNOMAH COUNTY**

Dear Jeff Hibner,

On 15 August, 2012 the Oregon Department of Environmental Quality attended the Kinder Morgan annual worst case drill, and found several serious deficiencies with the practiced response. While it is understandable that not all drills and exercises go perfectly a number of items were raised which demonstrated significant non-compliance with Oregon State Oil Spill Contingency Regulations found in OAR 340-141-140.

Based upon the exercise at your facility, the Department has concluded that Kinder Morgan is responsible for the following violations of Oregon environmental law:

### VIOLATIONS:

- (1) OAR 340-012-0082 CP 0053(2)(a) Violating any otherwise unclassified requirement. (**Class II Violation**)

*Oregon DEQ State on Scene Coordinator and exercise observers determined that the exercise did not adequately test the facility's oil spill contingency plan and NPREP objectives. Facility personnel did not appear to have adequate training for incident command system roles they were staffed to fill.*

Class I violations are considered to be the most serious violations; Class III violations are the least serious.

Worst case drills conducted by a facility are intended to demonstrate fluency with Oregon spill prevention requirements and provide personnel working at facilities and regulatory agencies the opportunity to train together and provide a coordinated response to a discharge. OAR 340-141-140 (1) requires facilities and pipelines to verify acceptance of the plan to the best extent practicable. OAR 340-141-0200 requires drills, exercises and inspections to be carried out in a manner approved by the department.

During the exercise, ODEQ personnel noted the following:

- 1) Personnel in key ICS positions such as Planning, Safety, and Environmental Unit were unable to perform their roles without significant coaching
- 2) A 201 was not generated, causing an initial breakdown in coordination between response personnel.

- 3) A communications plan was not created/distributed
- 4) A "truth" cell was not present, so the drill did not have realistic injects to test the ability of ICS staff's performance.
- 5) A site safety plan was generated, however it was not distributed and left on an easel.
- 6) The drill was conducted without a Situation Unit Leader. In the event that this occurs, the Planning Section Chief is expected to carry out the duties of the situation unit.
- 7) Staff at the Section Leader and Unit Leader positions did not adequately understand the function of other units and sections, causing some to work in a "bubble".

**This notice is a warning letter.** The Department does not intend to take formal enforcement action at this time. However, should you repeat any of these violations, the matter may be referred to the Department's Office of Compliance and Enforcement for formal enforcement action, including assessment of civil penalties and/or a Department order. Civil penalties can be assessed for each day of violation.

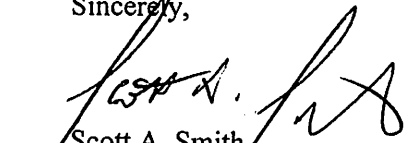
Furthermore, as agreed upon over the phone you must:

- 1) Submit a post spill review to the department within 60 days (October 23<sup>rd</sup>, 2012)
  - a. Report must detail successes and failures of the exercise conducted on August 15<sup>th</sup>, 2012 and
  - b. Detail how a training program will correct personnel training deficiencies
- 2) Immediately begin a drill program in accordance with OAR 340-141-140(27)
- 3) Conduct an additional drill with Department approval within 6 months of this letter which successfully tests NPREP objectives and proves personnel training is sufficient to cover core Incident Command System staffing roles.

If you believe any of the facts in this Warning Letter are in error, you may provide information to me at the office at the address shown at the top of this letter. The Department will consider new information you submit and take appropriate action.

The Department endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter, please feel free to contact me in writing or by phone at 503-229-5370 or by e-mail at [smith.scott@deq.state.or.us](mailto:smith.scott@deq.state.or.us).

Sincerely,



Scott A. Smith  
Oregon Department of Environmental Quality  
Emergency Response/Spill Contingency Planner

Cc: Mike Greenburg, ODEQ SOSOC (Northwest Region)  
Bruce Gilles, ODEQ Emergency Response Manager  
Office of Compliance and Enforcement, DEQ Headquarters  
Kelly Thorkilson, USCG Incident Management Division  
Richard Franklin, EPA FOSC, Oregon Operations Office  
USCG Petty Officers Esquivel and Gill, IMD Portland



**DEQ**

State of Oregon  
Department of  
Environmental  
Quality

## DEQ Drill Evaluation Form

Today's Date: 8/15/12

Drill Report Due Date (60 Days after today) 10/15/12

Plan-holder Name:

Kinder Morgan Energy Partners

Name of Drill/Exercise:

Willbros Terminal Worst Case Gasoline discharge

Type of Drill: ☐ Equipment Deployment ☐ Annual Tabletop ☒ Worst Case Drill  
☒ Announced ☐ Unannounced

DEQ Drill Evaluator: Scott Smith, Mike Greenburg

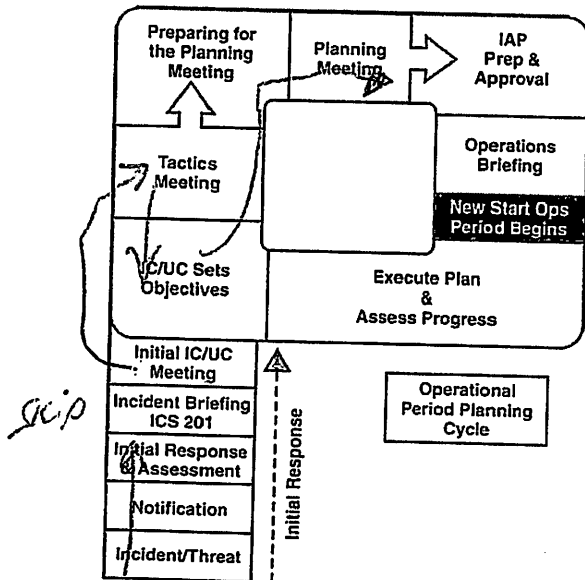
Incident Objectives Exercised: (All must be tested within 3-year cycle)

- ☒ **Notifications:** Notifications from response plan used in a timely manner
  - ☐ Has plan-holder exercised notifications every 90 days? OAR 340-141-140(27a)
- ☒ **Staff Mobilization:** Ability to assemble spill response organization and spill response team
- ☐ **Unified Command:** Ability to staff and operate within the unified command
- ☐ **Response Management System:** Used response organizational framework found in plan
- ☒ **Source Control:** Ability to control and stop the point of discharge
- ☒ **Assessment:** Conduct an initial assessment to promote tactical operations
- ☒ **Containment:** Contain the discharge at source or at strategic locations
- ☒ **Recovery:** Recover, mitigate, or remove the discharged product
- ☐ **Protection of Resources:** Ability to protect environmental, cultural, or economic resources
- ☐ **Disposal:** Ability to plan and provide temporary storage and/or develop waste disposal plan.
- ☐ **Communications:** Establish effective communications for both IC and operational units
- ☐ **Transportation:** Effective land, air and marine assets provided as needed
- ☒ **Personnel Support:** (Management, transport, berth, mess, admin spaces and emergency procedures provided)
- ☐ **Procurement:** Ability to logistically support operational and management needs
- ☐ **Documentation:** Ability to document all operational and support aspects of response
- ☐ **Demobilization:** Ability to effectively complete response/recovery ops and demobilize all aspects of incident management.

Comments on Incident Objectives:

Exercise involved wcd of gasoline into Willamette River KM Facility.  
The product involved was a change of pace exp. for the env. unit and  
Ops Section due to the volatility of Gasoline and policies against on  
water collection strategies.

(Draw or check elements tested)



No Situation unit leader and no "Truth" section created chaotic drill environment, and the various sections + units did not coordinate or use the formal ICS process.

Lack of communications plan would mean coordination with deployed assets would be unlikely.

Planning Section Chief and Safety officer  
need to be trained, not coached by contractors

- ASL said wildlife trailer can be deployed anywhere. Not have consult w/ Env Unit.

- PSC said we can't control ship traffic, we can consult w/ USCG.

- Staff expected in key KS positions need to be trained, and on a whole the KM Staff needs to be familiarized with how the structure works.
- A truth section is going to be vital to make the drill seem alive, and to ensure NPREP objectives are tested.
- Elements of the "planning P" were skipped. Why?
- Google may have thrown too much of a curve. Re-contact with "Ensie" Prod & Friendly Staff was intended in learning.

DEQ Participants and Role: SOSC - Greenburg / Smith EV - Pettit & Pray  
USCG PD. Esquivel & PD Gill ✓

DEQ's evaluation of this drill is intended to determine the adequacy of a plan-holder's spill response contingency plan. Drills are to be conducted in accordance with OAR 340-141-140(27) and OAR 340-141-200. DEQ appreciates your investment in time, energy and expense to emergency preparation. As a reminder, you must submit a drill report to DEQ within 60 days of this drill to receive credit. Questions should be directed to Scott Smith at 503-229-5370 or [smith.scott@deq.state.or.us](mailto:smith.scott@deq.state.or.us)

DEQ Evaluator [Signature] Plan-Holder Representative



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

July 30<sup>th</sup>, 2012

Charles Mathis, Manager Emergency Response Programs  
Kinder Morgan Energy Partners  
500 Dallas, Suite 1000  
Houston, TX 77002

COPY

RE: Oil Spill Contingency Plan Amendments

Dear Chuck:

The amendments submitted on July 5<sup>th</sup>, 2012, for the Kinder Morgan Integrated Oil Spill Contingency Plan, identified as 'June 2012' on the Record of Changes Page, have been reviewed and approved by this office.

I have updated the plan with the supplied sections and have replaced and destroyed the previous editions. Please retain a copy of this letter for verification that this submission has been received and approved. If you have any questions, please contact me at (503) 229-5370.

Sincerely,



Scott A. Smith

Oil Spill Contingency Planner  
Oregon Department of Environmental Quality

Enclosures: none

Y999

very few people are able to  
understand the true meaning of

the word "truth"



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

April 9<sup>th</sup>, 2012

Chuck Mathis  
Manager, Emergency Response Programs  
Kinder Morgan Energy Partners  
500 Dallas Street  
Suite 1000  
Houston, TX 77002

COPY

RE: Oil Spill Contingency Plan Amendments

Dear Chuck:

The amendments submitted on March 9<sup>th</sup>, 2012 for the Kinder Morgan Oil Spill Contingency Plan, identified as Annual Updates on the Record of Changes Page, have been reviewed and approved by this office.

I have updated the plan with the supplied sections and have replaced and destroyed the previous editions. Please retain a copy of this letter for verification that this submission has been received and approved. If you have any questions, please contact me at (503) 229-5370.

Sincerely,

Scott A. Smith  
Oil Spill Contingency Planner  
Oregon Department of Environmental Quality

Enclosures: None







# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

October 26<sup>th</sup>, 2011

Jeff Hibner  
Area Manager  
Kinder Morgan Energy Partners  
5880 NW St Helens Rd  
Portland, OR 97210

COP

Re: Drill Credit for Kinder Morgan Linnton Terminal Unannounced Deployment Exercise

Dear Jeff,

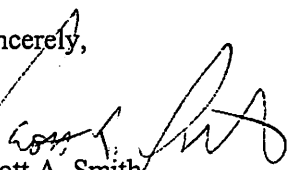
On October 26<sup>th</sup>, 2011 the Oregon Department of Environmental Quality visited the Kinder Morgan Linnton Terminal while a transfer was in progress. ODEQ instructed the qualified individual present on the dock to conduct an unannounced deployment drill based on a scenario, pursuant to Oregon Administrative Rule (OAR) 340-141-0200. The scenario played involved the simulation that a transfer pipe had developed a small leak, resulting in diesel fuel being visible in the river.

Kinder Morgan personnel stopped the transfer of diesel and commenced making notifications in a timely manner. They also worked diligently together to accomplish the goals of deploying boom in a safe manner. The drill resulted in Oregon Emergency Response being notified by Kinder Morgan personnel approximately 54 minutes after the scenario began, and facility personnel were able to complete the deployment of boom within 48 minutes.

I am pleased to inform you that based on the scenario and events observed by Agency personnel, you have received full drill credit from the Oregon Department of Environmental Quality for a deployment drill. I would like to thank you and your staff for their dedication and professionalism during this unannounced exercise.

If you have any questions, or would like to discuss these results further, please feel free to contact me at (503) 229-5370 or [smith.scott@deq.state.or.us](mailto:smith.scott@deq.state.or.us).

Sincerely,



Scott A. Smith

Contingency Planning and Exercise Evaluation  
Oregon Department of Environmental Quality

Cc: USCG: MSTC Andrew Dryers  
WDOE: Elin Storey  
EPA: Richard Franklin





# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

September 29<sup>th</sup>, 2011

Charles Mathis  
Manager-Emergency Response Programs  
Kinder Morgan Energy Partners  
500 Dallas, Suite 1000  
Houston, TX 77002

COPY

RE: Oil Spill Contingency Plan Amendments

Dear Chuck:

The amendments submitted on September 26<sup>th</sup>, 2011, for the Kinder Morgan Integrated Oil Spill Contingency Plan, identified as "*Replacement of Linnton Tank 55021, Change ODEQ Worst Case Spill Colume and Product update distribution information*" on the Record of Changes Page, have been reviewed and approved by this office.

I have updated the plan with the supplied sections and have replaced and destroyed the previous editions. Please retain a copy of this letter for verification that this submission has been received and approved. If you have any questions, please contact me at (503) 229-5370.

Sincerely,

Scott A. Smith  
Oil Spill Contingency Planner  
Oregon Department of Environmental Quality

Enclosures: none

COPY



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

August 17<sup>th</sup>, 2011

Mr. Andrew Holbrook  
Kinder Morgan Energy Partners  
5880 NW St Helens Rd  
Portland, OR 97210

COPY

RE: Approval of Oil Spill Contingency Plan

Dear Mr. Holbrook :

Based upon our review, the Department of Environmental Quality grants conditional approval to your submitted integrated contingency plan pursuant to Oregon Revised Statutes 468B.300-500 and Oregon Administrative Rules 340-141. Conditional approval is valid from August 17<sup>th</sup>, 2011 and is set to expire after August 16<sup>th</sup>, 2016. Your integrated contingency plan covers the following Oregon facilities and pipelines:

- 1) Kinder Morgan Linnton Terminal: 11400 NW St Helens Rd. Portland, OR 97231
- 2) Kinder Morgan Willbridge Terminal: 5880 NW St Helens Rd. Portland, OR 97210
- 3) Aviation Fuel Pipeline which runs from the Kinder Morgan Willbridge Terminal to ASIG terminal at the Portland International Airport.
- 4) Refined products pipeline which runs from the Kinder Morgan Willbridge Terminal to the Kinder Morgan Eugene Terminal.
- 5) Various inter-facility pipelines as outlined in the pipelines section of the Kinder Morgan Integrated Contingency Plan, Volume 2 § 6.0.

The conditional approval of the Kinder Morgan Integrated Contingency plan is dependent on Kinder Morgan Energy Partner's successful cooperation with annual unannounced notification and deployment exercises. The first unannounced notification and deployment exercise must be completed by February 1, 2012.

If Kinder Morgan Energy Partners fails to meet state standards you will have 30 calendar days to correct any deficiencies or submit any required changes to the Oregon Department of Environmental Quality. Failure to meet state standards after 30 calendar days can result in the requirement for precautionary measures as allowed in OAR 340-141-0190(8) such as required deployment of containment boom prior to transfer operations, reduction of oil transfer rates, restriction of operations to daylight hours, or increasing personnel levels, or the revocation of contingency plan approval.

Approval does not constitute an express assurance regarding the adequacy of this plan nor does it constitute a defense to liability imposed under state law. Further, in accordance with OAR 340-141-0220, the Department of Environmental Quality must be notified as soon as possible and within 24 hours of any



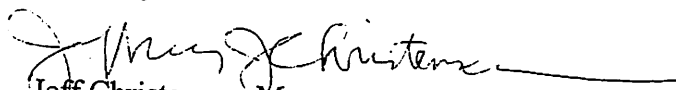
August 15, 2011

Page 2

significant change which could affect implementation of the plan, including a substantial decrease in available spill response equipment or personnel. The plan holder shall also provide a schedule for the prompt return of the plan to full operational status. An e-mail or facsimile will be considered written notice for the purposes of this subsection.

Congratulations in developing an excellent plan. We look forward to working with Kinder Morgan Energy Partners in the future. Please do not hesitate to contact Scott A. Smith of my staff at (503) 229-5370 or [smith.scott@deq.state.or.us](mailto:smith.scott@deq.state.or.us) with any questions or concerns.

Sincerely,

  
Jeff Christensen, Manager  
Emergency Response/Environmental Cleanup  
Land Quality Division

Enclosures: Approval Certificate

cc: LCDR Parsons USCG MSD-Portland  
Richard Franklin USEPA Region 10  
DEQ Northwest Region  
DEQ Western Region

# The Integrated Oil Spill Contingency Plan

for

COPY

***Kinder Morgan Energy Partners, Inc***

Has been approved pursuant to  
Oregon Revised Statutes 468B.300-.500  
and

Oregon Administrative Rules 340-141

by the

Oregon Department of Environmental Quality



State of Oregon  
Department of  
Environmental  
Quality

Jeff Christensen

Manager

Emergency Response Program

August 17th 2011

Approval Date

August 16th 2016

Expiration Date



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

March 28, 2011

Andrew Holbrook  
Operations Manager, Northwest  
Kinder Morgan Energy Partners  
5880 NW St Helens Rd  
Portland, OR 97210

COPY

RE: Requested revisions to Contingency Plan

Dear Mr. Holbrook:

The current Kinder-Morgan spill contingency plan was approved by Oregon DEQ on May 30<sup>th</sup>, 2001 for a five year period which expired nearly 5 years ago on May 30<sup>th</sup> 2006. During the past 14 months, DEQ and Kinder Morgan Staff have discussed proposed revisions to the company's integrated spill contingency plan, and the plan requirements on many occasions.

DEQ has completed another review of the Kinder Morgan Integrated Contingency Plan (KMICP) following submittal of plan modifications you submitted. Fortunately, most of the items identified as deficient in our April 2010 review have been corrected; however three significant deficiencies remain that will require attention before DEQ makes a decision about whether or not to approve, conditionally approve, or deny the plan.

**1) OAR 340-141-0160(3)(h) (*History of Discharges*)**

A history of discharges has not been provided in an electronic or paper copy format. Based on our prior discussions, we understand that Kinder Morgan maintains an online corporate database of required historical information however, as we have discussed, a hard copy must be included in the plan.

**2) OAR 340-141-140(11) & OAR 340-142-0040. (*Notifications and Reporting requirements*)**

On April 14<sup>th</sup>, 2010 DEQ advised you that notification procedures, as described in the KMICP, must specify that initial notification to the Oregon Emergency Response System (OERS) will include an estimate of the volume spilled. However, KMICP's plan currently indicates that Kinder-Morgan will provide a description of the "wet area". A "wet area" notification process fails to meet the State of Oregon's spill reporting and spill contingency planning requirements.

Although our records indicate that in your report back to us on April 20<sup>th</sup>, 2010 Chuck Mathis stated that "*spill reports to OERS will include an estimated volume.....*" and "*revisions to the notification procedures in Vol 1 §2 will be included in the next revision*", the policy of reporting the wet area in KMICP Vol 1 §2, for example, remains unchanged. This reporting standard also

March 28, 2011

Page 2

must be changed throughout the plan such as in the Facilities ERAP (page 12) for both Linnton and Willbridge and the Pipelines ERAP (page 11).

**3) OAR 340-141-0140(12) (*Response Personnel.*) and**

**OAR 340-141-150 (3)(a) (*Facility Planning Standards in the Columbia River Sub Zone*)**

In our review of April 14<sup>th</sup>, DEQ asked Kinder Morgan to specify how staffing would be arranged during after hours transfers to ensure compliance with Oregon DEQ requirements for spill notifications and deployment of boom within 1 hour. The Kinder Morgan's response asserted that this information was available in several locations of the KMICP without specifically indicating where in the plan the information is available. Based on our review of paper and electronic versions of the plan, this information has not yet been provided.

As you know, Oregon's spill contingency plan requirements specify that each regulated facility must be able to complete notifications and deploy boom within 1 hour in the event of a spill during a transfer. To meet these requirements, DEQ recommends a minimum of 3 personnel on site during transfer operations. Pre-booming before transfer operations would also demonstrate an ability to meet state response plan requirements.

To date, our understanding based on verbal communications with Kinder-Morgan is that, instead of pre-booming or the recommended minimum number of on-site personnel, Kinder Morgan believes they would be able to bring employees to the facility to complete the required notification and booming requirements. Although DEQ is willing to consider alternatives, a specific, written plan for assuring capability to bring adequate resources within the specified plan requirements needs to be submitted and will be approved, conditionally approved or denied by DEQ based on the quality of the plan and DEQ's assessment of its reliability.

More specifically, any "activation plan" for meeting initial spill contingency notification and deployment requirements must include the names of employees who will be available, locations and transit times for the employees on call, and a clear explanation of the system to be used for the call-down list for ensuring this ability. Kinder Morgan will also need to be able to document how this will be implemented at all hours of operation for each of the regulated facilities and a plan for back-up resources to be provided for addressing employee leave time and related contingencies to ensure adequate response plan coverage.

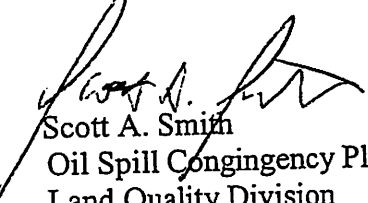
Please be advised that, if an "activation plan" as discussed above is submitted and approved by Oregon DEQ, DEQ will require unannounced drills and exercises to demonstrate the continued adequacy and reliability of the activation plan you have verbally proposed.

Please review and address all issues and submit revisions to this office by May 31, 2011. As indicated above, DEQ will approve, conditionally approve or deny the plan based on your next submittal. If you have any questions, concerns, or would like to discuss the revisions requested, please feel free to contact Scott Smith at (503) 229-5370.

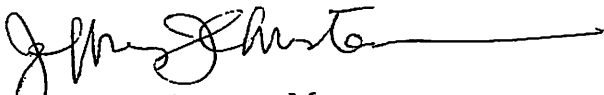


March 28, 2011  
Page 3

Sincerely,



Scott A. Smith  
Oil Spill Contingency Planner  
Land Quality Division



Jeffery J Christensen, Manager  
Emergency Response & Environmental Cleanup  
Land Quality Division

cc: Jeff Hibner, Kinder Morgan Area Manager, Portland  
Chuck Mathis, Kinder Morgan Manager, Emergency Response Programs  
Kurt Burkholder, Oregon Department of Justice

COPY

FIGURE 8.1

## FACILITY INFORMATION (Cont'd)

## PHYSICAL DESCRIPTION - MARINE OPERATIONS (Cont'd)

**Discharging Rates:** Approximately 6,500 bph

**Frequency of Transfer:** Five (5) transfers per month (*typical*)

**Duration of Transfer:** 5 to 8 hrs (*typical*)

**Discharge Prevention:**

- Each transfer at the dock is closely monitored by two (2) operators, one (1) at the dock area and one (1) at the Facility end of the line. Radio communication is maintained between the operators to assure a safe product transfer.
- The loading/unloading lines are equipped with drip pans under the pump header connections.
- The dock area is well lighted and operations conducted in this area are in strict accordance with USCG procedures. These procedures are written in the Facility's Dock Operations Manual.

## DATES AND TYPES OF SUBSTANTIAL EXPANSIONS

- No substantial expansions have occurred at this Facility.



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

March 28, 2011

Andrew Holbrook  
Operations Manager, Northwest  
Kinder Morgan Energy Partners  
5880 NW St Helens Rd  
Portland, OR 97210

COPY

RE: Requested revisions to Contingency Plan

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March 28, 2011

Page 2

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**OAR 340-141-150 (3)(a) (*Facility Planning Standards in the Columbia River Sub Zone*)**

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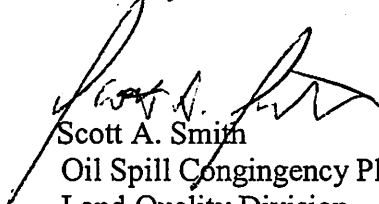
Please be advised that, if an "activation plan" as discussed above is submitted and approved by Oregon DEQ, DEQ will require unannounced drills and exercises to demonstrate the continued adequacy and reliability of the activation plan you have verbally proposed.

Please review and address all issues and submit revisions to this office by May 31, 2011. As indicated above, DEQ will approve, conditionally approve or deny the plan based on your next submittal. If you have any questions, concerns, or would like to discuss the revisions requested, please feel free to contact Scott Smith at (503) 229-5370.


March 28, 2011

Page 3

Sincerely,



Scott A. Smith  
Oil Spill Contingency Planner  
Land Quality Division



Jeffery J Christensen, Manager  
Emergency Response & Environmental Cleanup  
Land Quality Division

cc: Jeff Hibner, Kinder Morgan Area Manager, Portland  
Chuck Mathis, Kinder Morgan Manager, Emergency Response Programs  
Kurt Burkholder, Oregon Department of Justice

COPY



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

June 14th, 2011

Andrew Holbrook  
Operations Manager, Northwest  
Kinder Morgan Energy Partners  
5880 NW St Helens Rd  
Portland, OR 97210

COPY

RE: Request for meeting to discuss changes to Kinder Morgan Spill Contingency Plan

Dear Mr. Holbrook:

In my letter dated March 28, 2011, DEQ requested revisions to the Kinder Morgan Spill Contingency Plan to address three main deficiencies. On May 5<sup>th</sup> Chuck Mathis responded to our concerns with a re-submitted plan and a letter of explanation.

Unfortunately the re-submitted plan still fails to meet Oregon contingency planning standards. I would like to arrange a meeting with you to discuss how Kinder Morgan's plan could be approved with further revision. The previously noted deficiencies and current status of those issues are:

1) **1) OAR 340-141-0160(3)(h) (*History of Discharges*)**

The re-submitted plan contained statements that the Oregon pipeline and the Linnton Facilities did not have reportable spills in the last 5 years. However this information was absent from the Willbridge facility. Provide a discharge history for the Willbridge Facility.

2) **OAR 340-141-0140(12) (*Response Personnel*.) and**

**OAR 340-141-150 (3)(a) (*Facility Planning Standards in the Columbia River Sub Zone*)**

The letter sent to you on March 28<sup>th</sup> requested a specific description of manning intentions at the Willbridge and Linnton facilities after-hours. The re-submitted plan contains a general description of pollution prevention plans, and does not discuss after-hours operations. See attachments. Rather than requesting another written revision to the description at this time, we would like to meet with you to discuss your intended staffing and operations for transfers occurring after-hours so that we understand your proposed operations. DEQ will then be able to advise you on necessary revisions to the plan to meet the state's spill contingency planning requirements.

3) **340-141-140(11) & OAR 340-142-0040. (*Notifications and Reporting requirements*)**

This requirement has been corrected to our satisfaction.

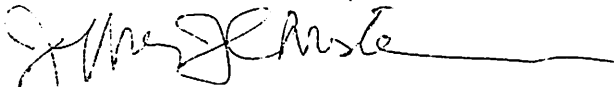
Please contact Scott Smith of my staff to arrange a meeting place and time at 503-229-5370. We would like to meet with you next week or the first two weeks of July.

June 13, 2011

Page 2

Thank you,

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery J. Christensen", followed by a horizontal line.

Jeffery J Christensen, Manager  
Emergency Response & Environmental Cleanup  
Land Quality Division

cc: Scott Smith, ODEQ  
Jeff Hibner, Kinder Morgan Area Manager, Portland  
Chuck Mathis, Kinder Morgan Manager, Emergency Response Programs  
Kurt Burkholder, Oregon Department of Justice

Attachment A: DEQ letter, March 28<sup>th</sup>, 2011

Attachment B: Excerpt from Kinder-Morgan Plan, page 8.1-6, May 5<sup>th</sup> 2011



# Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Headquarters

811 SW Sixth Avenue  
Portland, OR 97204-1390

(503) 229-5696

FAX (503) 229-6124

TTY: 711

February 22<sup>nd</sup>, 2011

Chuck Mathis, Manager Emergency Response Programs  
Kinder Morgan Energy Partners  
500 Dallas, Suite 100  
Houston, TX 77002

RE: Oil Spill Contingency Plan Amendments

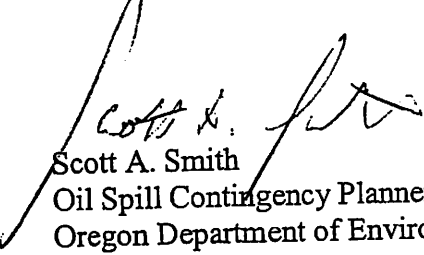
COPY

Dear Chuck:

The amendments submitted on February 22<sup>nd</sup>, 2011, for the Kinder Morgan Integrated Oil Spill Contingency Plan, identified as "USCG Regulatory Changes" on the Record of Changes Page, have been reviewed and approved by this office.

I have updated the plan with the supplied sections and have replaced and destroyed the previous editions. Please retain a copy of this letter for verification that this submission has been received and approved. If you have any questions, please contact me at (503) 229-5370.

Sincerely,

  
Scott A. Smith

Oil Spill Contingency Planner  
Oregon Department of Environmental Quality

Enclosures: None







# Oregon

Theodore R. Kulongoski, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY (503) 229-6993

October 19, 2010

Chuck Mathis  
Kinder Morgan  
500 Dallas Street  
Suite 1000  
Houston, TX 77002

COPY

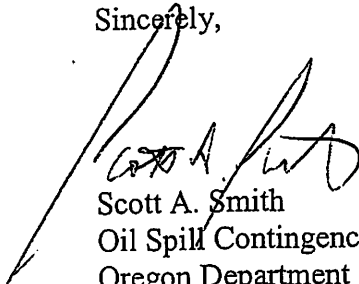
RE: Oil Spill Contingency Plan Hard Copy Submission Due.

Dear Mr. Mathis:

OAR 141-0180(2) requires up to 4 hard copies of required spill contingency plans to be submitted to the Oregon Department of Environmental Quality headquarters at 811 SW 6<sup>th</sup> Ave Portland OR 97204. During our telephone call today, we agreed that one full hard copy of the Kinder Morgan Integrated Contingency Plan will be submitted to this office on or before November 18<sup>th</sup> 2010.

Please direct any questions, as well a full copy of Kinder Morgan's integrated spill contingency plan to my attention at the address listed above, or you can contact me at 503-229-5370. Thank you for your assistance with this matter.

Sincerely,



Scott A. Smith  
Oil Spill Contingency Planner  
Oregon Department of Environmental Quality

cc: Jeff Christensen, Oregon DEQ Emergency Response Manager  
Jeff Hibner, Kinder Morgan Oregon Area Manager



Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality

Headquarters

811 SW Sixth Avenue  
Portland, OR 97204-1390

(503) 229-5696

FAX (503) 229-6124

TTY 1-800-735-2900

March 31, 2010

Mr. Chuck Mathis  
Kinder Morgan Energy Partners  
Emergency Response Programs  
500 Dallas Street  
Suite 1000  
Houston, TX 77002

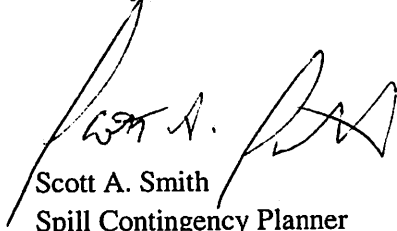
Re: Kinder Morgan Energy Partners Integrated Spill Contingency Plan OAR 340-141-160

Dear Chuck Mathis,

The regulatory cross reference submitted to the Department of Environmental Quality on March 9, 2010 did not include a section 160 to division 141 of our spill contingency planning rules. A survey of the Kinder Morgan plan without using a regulatory reference has failed to find several important components of our regulatory requirements in this section. Since I have completed my review of sections 100, 130 and 140 and intend to return aspects of those sections to you for revisions, I have decided to return section 160 to you without review. If you would like for me to review section 160 I would be happy to comply after the submittal of a Regulatory Cross Reference.

If you have any questions or believe I have reached this decision in error, please feel free to contact me at 503-229-5370 or [smith.scott@deq.state.or.us](mailto:smith.scott@deq.state.or.us).

Sincerely,



Scott A. Smith  
Spill Contingency Planner  
Land Quality Division  
Oregon Department of Environmental Quality

March 31, 2010

Mr. Chuck Mathis  
Kinder Morgan Energy Partners  
Emergency Response Programs  
500 Dallas Street  
Suite 1000  
Houston, TX 77002

Re: Kinder Morgan Energy Partners Integrated Spill Contingency Plan OAR 340-141-160

Dear Chuck Mathis,

The regulatory cross reference submitted to the Department of Environmental Quality on March 9, 2010 did not include a section 160 to division 141 of our spill contingency planning rules. A survey of the Kinder Morgan plan without using a regulatory reference has failed to find several important components of our regulatory requirements in this section. Since I have completed my review of sections 100, 130 and 140 and intend to return aspects of those sections to you for revisions, I have decided to return section 160 to you without review. If you would like for me to review section 160 I would be happy to comply after the submittal of a Regulatory Cross Reference.

If you have any questions or believe I have reached this decision in error, please feel free to contact me at 503-229-5370 or [smith.scott@deq.state.or.us](mailto:smith.scott@deq.state.or.us).

Sincerely,

Scott A. Smith  
Spill Contingency Planner  
Land Quality Division  
Oregon Department of Environmental Quality



Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality

Headquarters

811 SW Sixth Avenue  
Portland, OR 97204-1390

(503) 229-5696

FAX (503) 229-6124

TTY 1-800-735-2900

February 8, 2010

Charles Mathis  
Manager-Emergency Response Programs  
Kinder Morgan Energy Partners, LP  
500 Dallas, Suite 1000  
Houston, TX 77002

COPY

RE: Oil Spill Contingency Plan Review

Dear Chuck:

This letter is to acknowledge that the Department has received the Kinder Morgan Integrated Oil Spill Contingency Plan submitted on February 8, 2010. I have been assigned to review the plan and will be your contact at DEQ throughout the approval process.

As we have questions about the plan you submitted, we will send all requests in letter format and identify a timeline for response. Once plan review is complete, we will notify you of any conditions of approval and how to address them. Plans that are determined adequate receive a certificate and letter of approval valid for a period not to exceed five years. DEQ will judge the effectiveness of the plan throughout the five year approval cycle by participating in, observing, and evaluating the drills, exercises, and inspections required by Oregon Administrative Rule 340-141-0200

Please contact me at (503) 229-5370 or [smith.scott@deq.state.or.us](mailto:smith.scott@deq.state.or.us) if there are any questions regarding the review of this plan.

Sincerely,

Scott A. Smith  
Oil Spill Contingency Planner  
Oregon Department of Environmental Quality





# Oregon

Theodore R. Kulongoski, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY 1-800-735-2900

January 20, 2010

Chuck Mathis  
Kinder Morgan  
500 Dallas Street, Suite 1000  
Houston, TX 77002

# COPY

RE: Oil Spill Contingency Plan Review

Dear Greg:

This letter is to acknowledge that the Department has received the electronic copy of the Kinder Morgan Oil Spill Contingency Plan submitted on January 20, 2010. I have been assigned to review the plan and will be your contact at DEQ throughout the approval process. I have noted that the last paper copy of the Kinder Morgan plan our office holds dates to 2005, and I am requesting an updated paper copy to be sent to our office for review.

As we have questions about the plan you submitted, we will send all requests in letter format and identify a timeline for response. Once plan review is complete, we will notify you of any conditions of approval and how to address them. Plans that are determined adequate receive a certificate and letter of approval valid for a period not to exceed five years. DEQ will judge the effectiveness of the plan throughout the five year approval cycle by participating in, observing, and evaluating the drills, exercises, and inspections required by Oregon Administrative Rule 340-141-0200

Please contact me at (503) 229-5370 if there are any questions regarding the review of this plan.

Sincerely,

Scott A. Smith  
Oil Spill Contingency Planner  
Oregon Department of Environmental Quality

cc: Chuck Mathis *Greg Westing*

**COPY**



# Oregon

Theodore R. Kulongoski, Governor

## Department of Environmental Quality

Headquarters

811 SW Sixth Avenue

Portland, OR 97204-1390

(503) 229-5696

FAX (503) 229-6124

TTY (503) 229-6993

December 23, 2008

Mr. Gregory Westling, Area Manager  
Kinder Morgan Energy Partners, L.P.  
5880 N.W. St. Helens Rd.  
Portland, OR 97210

COPY

RE: Oil Spill Contingency Plan 5 year Resubmission

Dear Mr. Westling:

It has been five years since the Department's approval of the Kinder Morgan Willbridge and Linton Oil Spill Contingency Plan. Facility plans approved by the State of Oregon are valid for a period of up to five years, and are required to be reviewed and re-approved by the Department as identified in Oregon Administrative Rule (OAR) 340-141-0220(4). This letter is to remind you that your facility plans are due to be updated and resubmitted for review and, if appropriate, re-approval. The Department is requesting that a current plan be sent to this office by January 31, 2009, to initiate the review process. If you have any questions regarding the plan content requirements, review checklists are available upon request.

Please direct any questions, as well as all plan amendments and resubmissions to my attention at the address listed above, or you can contact me at 503-229-5370. Thank you for your assistance with this matter.

Sincerely,

Joshua M. Scruggs

Oil Spill Contingency Planner

Oregon Department of Environmental Quality

COPY





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

OCT 3 2011

Reply To: OCE-133

Dept. of Environmental Quality

**RECEIVED**

OCT 06 2011

Land Quality Division

**CERTIFIED MAIL—7011 0470 0002 9128 0235**  
**RETURN RECEIPT REQUESTED**

Mr. Andrew Holbrook  
Operations Manager Northwest  
Kinder Morgan Energy Partners, L.P. Willbridge Facility  
5880 NW St Helens Road  
Portland, Oregon 97210

Re: Kinder Morgan Energy Partners, L.P. Willbridge Facility  
Government-Initiated Unannounced Exercise (GIUE) Inspection

Dear Mr. Holbrook:

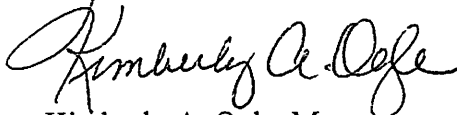
On October 28, 2010, U.S. Environmental Protection Agency (EPA) representatives conducted an unannounced exercise at the Kinder Morgan Willbridge Facility/Terminal located in Portland, Oregon. The purpose of that inspection was to gather information regarding your operation as part of an overall evaluation of the compliance status of your facility with the Oil Pollution Prevention regulations. The GIUE was conducted in accordance with the National Preparedness and Response Exercise Program (PREP) and 40 C.F.R. Part 112, Appendix E.

We have evaluated the exercise findings, and I want to convey to you that that the exercise did not reveal any site-specific deficiencies that need to be addressed to meet the requirements of the Facility Response Plan (FRP) regulation (40 C.F.R. Part 112). Overall, EPA believes that Kinder Morgan staff and contractor's efforts during the exercise fully met the objectives of the GIUE.

As a result of having successfully completed the GIUE, the Kinder Morgan Willbridge Facility/Terminal will not be subject to another GIUE under the PREP Guidelines for 36 months from the date of this exercise. This letter should be maintained for three years as verification of your participation in the exercise. EPA appreciates your participation and cooperation during the exercise. Any questions

regarding this matter should be directed to Kate Spaulding, EPA Region 10 SPCC Enforcement Officer, at (206) 553-5429, or Mike Sibley, EPA On-scene Coordinator, at (206) 553-1886.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly A. Ogle". The signature is fluid and cursive, with the first name being the most prominent.

Kimberly A. Ogle, Manager  
NPDES Compliance Unit

cc: Mike Zollitsch  
Oregon Department of Environmental Quality  
State Office

Captain Bruce C. Jones  
U.S. Coast Guard Commander  
Sector Columbia River

# KINDER MORGAN RESPONSE TO ODEQ OIL SPILL CONTINGENCY PLAN REVIEW CHECKLIST

## 1. PLAN PREPARATION

YES <b>X</b>	NO	N/A	Plan is written in a form usable for oil spill prevention, control, containment, cleanup and disposal operations and must be capable of being located as required
Reference: OAR 340-141-0210(1) & (2)			Location in Plan: Throughout
Comments: The plan inadequately describes the relationship between the various facilities and pipelines and the resources which will be used to address large pollution incidents. The relationship between KM, NRC and Clear Rivers is not well defined. Disposal of recovered product is not adequately covered. See specifics below.			
KM Response: Volume 2, Section 3 has been revised to clarify the relationship between the various contractors, the Terminals and the Oregon Pipelines. <b>Corrected. sas</b>			

YES	NO <b>X</b>	N/A	Plan is written to be thorough and contain enough information, analyses, supporting data and documentation to demonstrate the plan holder's ability to meet the requirements of the rule.
Reference: OAR 340-141-140 & 150			Location in Plan: Throughout
Comments: To be adequate, the plan must address more specifically how each facility or pipeline would respond during the first 2 hours (or 6 hours for pipelines) prior to the arrival of contracted resources. See specifics below.			
KM Response: Volume 2, Sections 8.3 and 9 contain Response Strategy Outlines that detail the response to an incident which will be conducted in accordance with Volume 1 Sections 3, 4 and 5 using the resources identified in Volume 2, Section 3.			
DEQ: Deficiencies addressed below in OAR 340-141-0140(11) and OAR 340-141-0140(12) must be addressed for this item to be corrected.			

## 2. FORMAT

YES <b>X</b>	NO	N/A	Plan is prepared using a combination of narrative and graphic formats that provide both detailed spill response information and quick access to general information needed during an emergency response.
Reference: OAR 340-141-130(1)			Location in Plan:
Comments: The format of the plan distinguishes between the facilities at Willbridge and Linnton and the Eugene Pipeline section. These sections are (for formatting purposes) approved. A similar section for the Airport Pipeline should be added if the response to a spill on that pipeline is different from the Eugene Pipeline and uses different resources. Otherwise, the relationship should be more clearly defined.			
KM Response: The Portland Airport Pipeline (LS 1880) is a part of the Oregon Pipelines system.			
Information specific to this line is included in Volume 2, Oregon Pipelines Section 6 with the additional requirements of the Oregon Administrative Rule included in Section 9. <b>Corrected. SAS</b>			

## 2. FORMAT (Continued)

YES <b>X</b> Linn/Will And pipes	NO	N/A	Plan is prepared including a simplified field document that summarizes key notifications and action elements of the plan and is suitable for onsite use in the event of a spill.
Reference: OAR 340-141-130(5)		Location in Plan: V2 Section 8 ERAP	
Comments: Provide field document for pipelines.			
KM Response: An Emergency Response Action Plan has been developed for the Oregon Pipelines. Corrected SAS			

## 3. PLAN CONTENT REQUIREMENTS

X YES	NO	N/A	Plan includes a Submittal Agreement that: includes the name, address and phone number of the submitting party; verifies acceptance of the plan by the owner/operator of the covered vessel or facility by either signature of an authorized person; Commits to execution of the plan by owner/operator and verifies authority for the plan holder to make appropriate expenditures in order to execute plan provisions;
Reference: OAR 340-141-140(1)(a)-(c)		Location in Plan: Volume 1, FWD-ii	
Comments: 1) Signature on acceptance letter is 5 years old. 2) Letter is unclear whether it applies to one facility, or all facilities and pipelines. 3) Letter should clearly designate qualified individual(s) located within Oregon who have the authority to obligate funds.			
KM Response: As we discussed previously the signature on the acceptance letter contained in Volume 1, page FWD-ii is current and applies to all pipelines, stations and terminals within the Kinder Morgan Pacific Region. The Qualified Individuals and Alternates are designated in Volume 1, Section 1.1 with their authorities and responsibilities outlined in Volume 1, Section 4.2.			
Previous form justified. SAS			

YES <b>X</b>	NO	N/A	Plan includes a detailed table of contents based on chapter, section, appendix numbers, and titles and tables and figures. If the plan is an integrated plan used to satisfy federal requirements, a cross reference index must be included.
Reference: OAR 340-144-0140(3)			Location in Plan: V1, Cross References Section
Comments: For sections in 340-141-140 many references are missing or too vague (for instance referring to “Volume 2” instead of “Volume 2, section 4.1”) No cross reference was found for all 340-141-160 regulations.			
KM Response: The Regulatory Cross Reference has been revised to include 340-141-160 and provide additional detailed locations within the ICP and other documents provided electronically as appropriate.corrected sas			



### 3. PLAN CONTENT REQUIREMENTS (cont'd)

YES X	NO	N/A	Plan describes the purpose and scope of the plan including: 1- Region of operations covered by the plan,
X			2- The onshore facility, offshore facility, or covered vessel operations covered by the plan and;
X			3- The size and type of the average most probable spill and the worst case spill from the facility or covered vessel.
Reference: OAR 340-141-0140(4)			Location in Plan:
Comments: Volume 1, Section 1.5 incorrectly identifies OAR 340-47. Regs have moved to OAR 340-141. Also, the address on the Linnton Terminal ERAP is incorrect.			
KM Response: Corrected. corrected SAS			

X		N/A	Plan identifies the primary response contractor and subcontractors whose services are bound to the plan by a contract or other approved means: 1- If a plan holder is a member of an oil spill response cooperative and relies on that cooperative to perform or supplement its response operations, the plan must state the cooperative's name, address, phone number, and response capability. The plan must also include proof of cooperative membership; OR
X			2- If a plan holder is not part of an oil spill response cooperative, for each contractor, the plan must state that contractor's name, address, phone number or other means of contact at any time of the day, and response capability. For each contractor, the plan must include a letter of intent signed by the contractor which indicates the contractor's commitment to respond within the specified time period, with personnel and equipment listed in (12) & (13) of OAR 340-141-140.
Reference: OAR 340-141-0140(8)			Location in Plan: See Below
Comments: The Linnton and Willbridge facilities both appear to enlist the resources of NRC in Volume 2, Sect 3.3, however the letter of intent is from 2007. Provide a current letter of intent for these facilities. Eugene Pipeline is a member of Clean Rivers Co-Op according to Volume 2 Section 2.1. Provide proof of membership and contact info. Clarify primary response contractors or co-op membership for the Airport pipeline as well.			
KM Response: Volume 2, Section 3.3 has been revised with the current Work Directives, Contracts and/or membership lists. Contact information for Clean Rivers Co-Op has been added to Volume 2,			
Section 2. The Portland Airport Pipeline (LS 1880) is part of the Oregon Pipelines system. <b>Corrected SAS</b>			

### 3. PLAN CONTENT REQUIREMENTS (cont'd)

YES  <b>X</b>	NO	N/A	1- Plan includes a list of procedures that will be used to detect and document the presence and size of a spill, including methods which are effective during low visibility conditions.
<b>X</b>			2- The plan must describe the use of mechanical or electronic monitoring or alarm systems used to detect oil discharges into adjacent land or water from tanks, pipes, manifolds and other transfer or storage equipment.
Reference: OAR 340-141-0140(10)			Location in Plan: Volume 1, Section 2.0.1
<p>Comments: Spill detection measures discussed in V1 Section 2.0.1 describes automatic high level alarms and shutdown procedures. These fail to be specific enough to detail spill prevention and detection technology available at a particular facility. For instance "<u>Some facilities</u> are equipped with <u>various kinds</u> of detection and alarm equipment" fails to meet DEQ spill detection standards. Provide facility specific evidence of compliance. Also "<u>Many facilities</u> are equipped with <u>various kinds</u> of computerized control systems and monitor operations and can detect abnormal conditions which may result in an emergency situation" is too vague of a statement to be considered for planning purposes.</p> <p>Pipeline spill detection procedures are vague or missing.</p>			
<p>KM Response: Volume 1, Section 2.0.1 applies generally to all pipelines, stations and terminals in the Kinder Morgan Pacific Region and as such is not intended to meet the ODEQ requirements. Terminal specific information is provided in Volume 2, Section 8.2 and the SPCC Plan (provided electronically). Similar information specific to the Oregon Pipelines is included in Volume 2, Section 9.</p>			
Corrected. SAS •			

### 3. PLAN CONTENT REQUIREMENTS (cont'd)

YES	NO <b>X</b>	N/A	1. Plan describes procedures that will be taken to immediately notify appropriate parties that a spill has occurred.
<b>X</b>			2. The plan holder must maintain a notification call out list that must be available for inspection upon the request of the Department and contain the following: a) Provides a 24hr contact for all spill response personnel identified under OAR 340-141-0140(7) including the contact's name, position title, 24hr contact number, and an alternate contact in the event the individual is unavailable.
<b>X</b>			b) Lists the name and phone number of all government agencies that must be notified in the event of an oil spill pursuant to requirements under ORS 466.635; and
<b>X</b>			c) Establishes a clear order of priority for immediate notifications.  The plan must identify a central reporting office or individual who is responsible for implementing the call out process.
Reference: OAR 340-141-0140(11) OAR 340-142-0040(1) OAR 340-142-0040(2) OAR 340-142-0040(3)			Location in Plan: Volume 1, Section 2.02
Comments: Estimates of a spill area do not adequately provide response agencies with sufficient information to initiate response actions in a timely manner. DEQ requires notification to OERS to include an estimation of volume. The plan should also specify that, as additional information becomes available about the spill volume and response actions, KM shall <u>immediately</u> notify appropriate government agencies.			
KM Response: Local personnel have been directed to provide an estimated volume if available. Periodic follow-up notifications are discussed in Volume 1, Section 2.1.			
Volume 1 § 2.1 remains unchanged. Past reporting deficiencies by KM involving under-reporting of thousands of gallons of product have caused Oregon SOSCs to request a revision to KM reporting policy which included an estimated volume with each spill report to OERS. -SAS			



### 3. PLAN CONTENT REQUIREMENTS (cont'd)

YES	NO	N/A	Plan describes the personnel , including contract personnel, available to respond to an oil spill including:
X V2, Fig 2.1			1. A job description for each type of spill response position needed as indicated in the spill response organization scheme addressed in OAR340-141-0140(7), or a recognized NIMS position; and
	X		2. The number of personnel available to perform the duties of each type of spill response position. →This number must be equal to or greater than the number of persons necessary to sustain a response to the worst case spill defined in the plan. →If 24 hour operations are expected, the number of persons available to staff the ICS must be multiplied by the proposed number of operational periods (shifts).
	X		3. Arrangements for pre-positioning personnel at strategic locations that will meet criteria pursuant to OAR 340-141-0190(3)(d); and
X V1 Sec 1.8			4. The type and frequency of spill response operations and safety training that each individual in a spill response position receives to attain the level of qualification demanded by their job description.
Reference: OAR 340-141-0140(12)			Location in plan: V2 Fig. 8.1
Comments: Capability to satisfy state initial 2 hour response requirements are not specified. For instance, Willbridge and Linnton terminals require only 1 person at the dock and another at the facility during after-hours transfers. Initial response actions must include notifications, securing the source of release and deploying a specified amount of boom. Provide minimum manning requirements for each type of operation expected ie Barge transfers at docks, loading arm spills, pipeline ops etc. State the specific function of each member of the staff for each emergency, and ensure notification and response goals specified in 340-141-150 (3)(a) & (g) are satisfied for the initial 2 hour response.			
KM Response: Volume 2, Section 2.1 applies to notification procedures only. Spill Management			
Team job descriptions are discussed in Volume 1, Section 4. Additional language has been added to			
Volume 2, Figures 8.2 to clarify the personnel available during marine transfers. The Response			
Strategy Outlines included in Volume 2, Sections 8.3 and 9 provide details of how company			
and contractor personnel will respond to an incident.			
DEQ: The number of personnel available for the first 2 hours of a spill is still not specified. Since an approved contractor is under contract personnel available after 2 hours is sufficient. Provide the NUMBER of personnel available at each facility for emergency response. This should be broken down by shift if 24 hour operations are expected. (Business hours/After Hours)			



For facilities, V2 § 8.2 did not have the table discussed in the KM Response.

For Pipelines, V2 § 9 does not discuss numbers of personnel.

V2 § 8.1-6 specifies that "An additional operator is available at the nearby Willbridge Terminal in the event of a spill during transfer operations." Is this to mean that the Willbridge terminal is to be left un-manned in the event of a Linnton Spill? If this is the plan it should be stated overtly so as not to be unclear.


### 3. PLAN CONTENT REQUIREMENTS (cont'd)

YES	NO	N/A	Plan describes equipment and spill resources as follows:
X V2 Fig 3.1			1. Must list all resident equipment and resident dedicated response vessel used for oil containment, recovery, removal, shoreline and adjacent lands cleanup and wildlife rescue and rehabilitation. The plan must also list all relied upon communication tools. (The Department will accept information about equipment by reference if the equipment is being provided through a primary response contractor as part of the plan).
		X	2. For resident equipment listed above, that are not owner or available exclusively to the plan holder, the plan must also estimate the extent that other contingency plans rely on the same equipment.
X			3. For all resident oil containment and recovery equipment, the plan also must include equipment make and model, the manufacturer's nameplate capacity of the response equipment, the EDRC (effective daily recovery capacity) in barrels per day, and applicable design limits (i.e. wave heights, inland or open ocean).
X			4. Plan states the maximum amount of oil that could be recovered per 24 hour period with the equipment used as it is designed.
X			5. Plan provides arrangements for pre-positioning of oil spill response equipment at strategic locations that will meet response time criteria pursuant to OAR 340-141-0190(3) (d).

Reference: OAR 340-141-0140(13)

Location in Plan:

Comments: For #3 please provide EDRC for sorbent pads and boom at Linnton and Willbridge facilities. For #5, identify staging areas for WCD during first 2 hours of projected spill movement. V2 Sec 4.4 not adequate for Linnton and Willbridge facilities.

**KM Response:** Manufacturers of absorbent pads and boom do not provide information necessary to compute an Estimated Daily Recovery Capacity. Volume 2, Figures 8.9 provide response locations for initial response to a Worst Case Discharge. Additional staging areas will be based on information contained in the Lower Columbia River Geographic Response Plan.

**DEQ: Corrected. Found in V2 § 8.3-4 (Linnton) V2 § 8.3-4 (Willbridge) V2 § 9-10 (Oregon Pipe)**

### 3. PLAN CONTENT REQUIREMENTS (cont'd)

YES	NO	N/A	Plan describes the communication systems used for spill notification and response operations, including;
X			1. Communication procedures that identify who will be responsible for the function, to whom an from whom communication will be established and any special instructions;
X			2. The communication function (e.g., ground-to-air) assigned to each channel or frequency used;
X			3. The maximum geographic range for each type of communications equipment used; and
X			4. The communication system compatibility with key spill response agencies.
Reference: OAR 340-141-140(14)			Location in Plan:
Comments: #2 Air to ground communications are not discussed, but is an aerial reconnaissance capability needed to locate a ruptured pipe from Portland to Eugene? #3 Range limitations (particularly along the Eugene pipeline route where cell phones may become unreliable) are not discussed. #4 Compatibility with NRC and Clean Rivers communications and specific working channels are not adequately discussed.			
KM Response: The company maintains the minimum number of radios needed for normal operations.			
During an incident additional communications equipment will be provided by the contracted OSROs. Radios used will be VHF-FM or UHF-FM which are line of sight devices that may be augmented by repeaters if necessary. Portland Station has the capability to quickly determine the location of a leak (between valves and pumps)and Oregon Pipelines personnel from Portland and Eugene are capable of reaching any location along the pipelines within an hour so surveillance aircraft are not necessary.			
NRC is the primary response contractor for Clean Rivers Co-Op so communications compatibility is not an issue.			
DEQ: Corrected.			

YES	NO	N/A	Plan describes the process used by the plan holder to establish sites needed for spill response operations, including location or location selection criteria for an incident command post, a communications center if located away from the command post and equipment and personnel staging areas.
X			
Reference: OAR 340-141-0140(15)			Location in Plan:
Comments: If WCD were to occur at Linnton or Willbridge facilities, hydrocarbon vapors or fire/explosion hazards may make it unsafe to have non-response personnel nearby. Discuss the process for determining an off-site Incident Command post, and how communications with on site responders may be maintained. Info given in Vol. 1, Fig 3.7 is not specific enough.			
KM Response: The guidelines provided in Volume 1, Section 3.7 apply to all pipelines, stations and terminals in the Pacific Region. Additional contact information for potential Incident Command Post locations is provided in Volume 2, Figure 2.1.			
DEQ: Corrected			



### 3. PLAN CONTENT REQUIREMENTS (cont'd)

YES  <b>X</b>	NO	N/A	Plan explains the post-spill review procedures, including methods to review both the effectiveness of the plan and the need for plan amendments. → Post-spill procedures must provide for a debriefing with the Department that will include any newly recognized need to amend the plan and list of any other lessons learned.
Reference: OAR 340-141-0140(26)			Location in Plan:
Comments: Could not locate.			
KM Response: Post Incident Review/Investigation has been added to Volume 1, Section 3.15.			
<b>DEQ: Corrected</b>			

YES  <b>X</b> V1 Sec 1.8	NO	N/A	Plan describes the schedule and type of drills and other exercises that will be practiced to ensure the readiness of the plan elements, including drills that satisfy OAR 340-141-0200(3)  1. The plan holder must test and document internal call out procedures at least once every 90 calendar days, and must retain records of these drills for at least three years and make them available upon request
<b>X</b>			2. The plan holder must notify the Department of drills and exercises, at least 60 days before full deployment and tabletop drills, and 10 days prior to equipment exercises.
<b>X</b>			3. The plan holder must send post drill reports for all tabletop exercises or deployment drill to the Department no later than 60 days after the completion of the drill or exercise.
Reference: OAR 340-141-0140(27)			Location in Plan: V1 § 1.8
Comments: For #2 add "...will notify USCG, WDOE and ODEQ at least 60 days prior to full deployment and tabletop drills, and 10 days prior to equipment exercises."			
#3 add: "Post drill reports will be sent to ____ within 60 days of drill completion."			
KM Response: Volume 1, Section 1.8 applies to all Kinder Morgan Pacific Region pipelines, stations and terminals. Language has been to encompass all applicable federal and state regulatory requirements.			
DEQ: Corrected			

### 3. PLAN CONTENT REQUIREMENTS (cont'd)

YES  <b>X</b>	NO	N/A	Plan lists the spill risk variables within the region of operation covered by the plan, including; For Facilities: 1. Types, physical properties and amounts of oil handled;
<b>X</b> Linnton & Willbridge Pipelines			2. A written description and map indicating site topography, storm water, and other drainage systems, mooring areas, pipelines, tanks, and other oil processing, storage, and transfer sites and operations;
<b>X</b> Linnton & Willbridge Pipelines			3. A written description of sites or operations with a history of or high potential for oil spills, including key areas that pose significant navigation risk within the region of operation covered by the plan; and
<b>X</b> Linnton & Willbridge OK		<b>X</b> Pipelines	4. Methods to reduce spills during transfer operations, including overfill prevention.
		<b>X</b>	For a vessel: 1. Types, physical properties and amounts of oil handled;
		<b>X</b>	2. A written description and diagram showing cargo fuel and ballast tanks; and piping, power plants and other oil storage and transfer sites and operations;
		<b>X</b>	3. A written description of operations with a history of or high potential for oil spills, including key areas that pose significant navigation risks within the region of operation covered by the plan.
Reference: OAR 340-141-0140(28)			Location in Plan:
Comments: For #1 add physical properties data in ERAP's, V2 Section 8, or both. For #2 & 3, provide analysis of spill risk variables for pipelines for areas where a spill may impact waters of the state, or any other area which may present a special spill hazard. See requirements of OAR 340-141-140(29)			
KM Response: The Regulatory Cross Reference in Volume 1 has been revised to direct the reviewer to Volume 1, Figure 3.8, Volume 2, Section 6 (for pipeline information) and Volume 2, Section 8.1 (for terminal information).			
<b>#1 Physical Properties found in V1, Fig 3.8</b> <b>Amounts of Oil Handled found in V2</b> -Pipelines Sec 6.1 -Linnton Fig 8.1 -Willbridge Fig 8.1  <b>#2 &amp; 3 V2 § 9</b>			



February 17, 2011

Via Federal Express

Oregon Department of Environmental Quality  
Attn: Mr. Scott Smith, Oil Spill Contingency Planner  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

Dept. of Environmental Quality  
**RECEIVED**

FEB 22 2011

**Land Quality Division**

RE: KINDER MORGAN PACIFIC REGION –  
NORTHERN REGION-NORTHWEST  
INTEGRATED CONTINGENCY PLAN

Dear Scott;

Enclosed is one set of revised pages and revision instructions for your copy of the Pacific Region – Northern Region-Northwest Integrated Contingency Plan (ICP). This revision, dated February 2011, was prepared to address the recent changes in the Coast Guard's requirements in 33 CFR 154.1035 and 1045. Because the new regulations exempt facilities located on "inland rivers" there are no changes to Volume 2 which covers the Linnton and Willbridge Terminals as well as the Oregon Pipelines; however, the additional regulations caused a page shift in the Regulatory Cross References in Volume 1.

If you have any questions, comments or need further information, please contact me at (713) 369-8530 or (832) 405-1701.

Sincerely,

A handwritten signature in black ink, appearing to read "C. V. Mathis", is written over a horizontal line.

Charles V. Mathis  
Manager – Emergency Response Programs

Enclosures



October 10, 2012

Mr. Scott A. Smith  
Oregon Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, OR 97204-1390

RE: OREGON DEQ WARNING LETTER (9/6/2012) RESPONSE

Dear Mr. Smith;

Kinder Morgan Energy Partners, LP (KMEP) is in receipt of your review warning letter relative to the spill response exercise conducted on August 15, 2012 at our Willbridge Terminal, located in Portland Oregon. Based on KMEP internal review of your letter and discussions on appropriate corrective actions that may need to be taken by KMEP, and on several phone conversations between KMEP personnel and yourself following receipt of the letter, I am responding to each of the items in your letter in the same order as presented.

From the letter - ODEQ personnel noted the following:

- 1) *Personnel in key ICS positions such as Planning, Safety and Environmental Unit were unable to perform their roles without significant coaching.*

Response: KMEP agrees that the staff persons assigned to the Planning Section Chief and Safety positions struggled with this scenario and as a result did not fully complete the tasks assigned during the drill or as part of the position responsibilities as described in the Incident Command System (ICS). This issue will be addressed as part of KM's follow-up ICS refresher training for key staff at Willbridge.

We do not fully agree with the statements contained in the DEQ letter that the Environmental Unit did not perform the duties of this ICS section. In follow-up conversations with Mr. Don Petit of ODEQ, who was assigned to the Environmental Unit (EU), Don stated to us that he also does not agree that the Environmental Unit needed significant coaching, nor failed to deliver the required results. The large amount of drill materials produced by the EU during the drill is evidence to the focused work product from the EU and is included in the post-spill review report.

- 2) *A 201 was not generated, causing an initial breakdown in coordination between response personnel.*

Response: An oversized laminated version of an ICS 201 form (from the KMEP Situation Kit) was used for an ICS 201 briefing for our staff prior to ODEQ's arrival. From there however, the information was not transferred to the "small form" ICS 201 for continued reference throughout the exercise. This issue will be addressed as part of KMEP's follow-up ICS refresher training for key staff at Willbridge.

- 3) *A communications plan was not created/distributed.*

Response: The exercise documentation package contains an ICS 205-CG Incident Radio Communications Plan listing assignments for the following participants; Portland Fire Department, NRCES, USCG, and KM. Also developed and part of the final documentation package is a reference to the ICS 211 Sign In Sheet for contact information for individual participants. As no one involved in the exercise was located outside of the Willbridge office during the exercise it was not necessary to widely distribute copies. If this exercise included groups participating in other physical locations, or in the field, copies of the Communications Plan would have been distributed to those locations.

- 4) *A "truth" cell was not present, so the drill did not have realistic injects to test the ability of ICS staff's performance.*

Response: During the exercise the KMEP Drill Coordinator provided trajectory information, suggested potential results of air monitoring and coached some members of the SMT to address berthing, food & water supply and PPE for response personnel. One inject was suggested by the ODEQ evaluator (find an alternate Command Post location) and was injected and quickly addressed (NRCES offered their facility across the Willamette River). As a note, the PREP Guidelines do not discuss truth cells or injects.

- 5) *A site safety plan was generated; however it was not distributed and left on an easel.*

Response: The site safety plan was not distributed because all activity took place in the Willbridge Office. A copy of the site safety plan is included in the exercise documentation - the large version remained on the easel through the end of the exercise. If the exercise continued through the completion and approval of the Incident Action Plan, the site safety plan would have been included there. Additionally, if this exercise included groups participating in other physical locations, or in the field, copies of the Site Safety Plan would have been distributed to those locations.

- 6) *The drill was conducted without a Situation Unit Leader. In the event that this occurs, the Planning Section Chief is expected to carry out the duties of the situation unit.*

Response: We agree that for a drill of this size a Situation Unit Leader (SUL) is needed. During this drill, the Planning Section Chief did try to maintain a Situation Board in the Command Post which included a nautical chart with trajectory and Division information (picture in the exercise report), local weather/tide/current information (also in the exercise report), a facility aerial photo, and the large format site safety plan. In future exercises, particularly a worst case scenario, the SUL position will be filled.

- 7) *Staff at the Section Leader and Unit Leader positions did not adequately understand the function of other units and sections, causing some to work in a "bubble."*

Response: This perception may have been due in part to the size and scope of the scenario, which in hind sight was not the most realistic one, and added to the challenges in working through the exercise. This will be addressed in the future with additional ICS related training, and a consideration of the choice of scenario.



Additional ODEQ comments from Page 2 of your letter stating requests that we:

- 1) Submit a post spill review to the department within 60 days (October 23, 2012)

Response: To clarify, this was not a "spill" event. The review is of the "exercise" conducted on August 15, 2012, so the ODEQ letter should be amended to refer to a post "exercise" review. Additionally, October 23rd is not 60 days from the date of the exercise or the letter. It is our understanding that the 60 day time frame begins with the receipt date of the September 6, 2012 letter. If so, the receipt date of September 10, 2012 would make a final date of November 10, 2012.

- a. Report must detail successes and failures of the exercise conducted August 15<sup>th</sup>.

Response: According to Chuck Mathis, the Exercise Report was initially e-mailed to you on August 21<sup>st</sup>, the same date he posted it to our internal KOnline system. During your phone conversation with Chuck Mathis on September 17<sup>th</sup>, you indicated you had not received the report (possibly due to the e-mail size) so it was resent in three parts to fit within ODEQ's file size limit. Because this report was prepared in the absence of the ODEQ Drill Evaluation included in the September 6<sup>th</sup> letter it should be considered an "initial" report.

- b. Detail how a training program will correct personnel training deficiencies.

Response: KMEP conducts internal refresher training on spill response and ICS on an annual basis. To supplement this annual training, the Willbridge Terminal staff will also conduct focused training, to be completed by December 31, 2012, with our OSRO, NRCES. This supplemental training will be focused on; the overall structure of ICS, the specific ICS positions and related responsibilities, communications and interaction between ICS positions and sections, identification and use of ICS forms (particularly key initial forms such as the ICS 201 and Site Safety Plan), and the sequence of events and meetings in the planning cycle. Additional training and drill support will also be included as needed from the O'Brien's Group. Finally, all staff ICS participants will complete the FEMA computer based training ICS courses 100.b and 200.b.

- 2) Immediately begin a drill program in accordance with OAR 340-141-140(27).

Response: During the phone conversation between Chuck Mathis and yourself on September 17, 2012, Chuck strongly objected to this sentence as it implies that KMEP does not currently have a drill program that complies with the referenced OAR section. We strongly dispute this statement and in fact, our drill program does comply with the OAR. Please correct this statement in an amended letter.



- 3) Conduct an additional drill with Department approval within 6 months of this letter which successfully tests PREP objectives and proves personnel training is sufficient to cover core Incident Command System staffing roles.

Response: The timing and scenario for the next exercise will be discussed ahead of time with the ODEQ, but will be conducted prior to March 10, 2013.

To summarize, planned supplemental ICS training for key staff at the KMEP Willbridge facility will increase the level of knowledge and skill required when responding to drill or real emergency events. This training will be completed prior to December 31, 2012 and competence will be tested in the drill to be held prior to March 10, 2013.

Also, please note that we request that your correspondence of September 6, 2012 be amended to address those items noted above that may not be completely accurate. Correcting those items will provide for an accurate and focused written record of our spill drill and spill plan program.

Your review and comments to this correspondence would be greatly appreciated so we can move forward with the implementation of the proposed additions to our spill response program. Should you have any questions, please contact either myself at (503) 220-1257 or Chuck Mathis at (713) 369-8530.

Sincerely,

A handwritten signature in cursive script that reads 'Andrew Holbrook'.

Andrew Holbrook,  
Operations Manager – Northwest Division  
Kinder Morgan Energy Partners

Cc: L. Hosler  
R. Morones  
R. Granado  
C. Mathis  
Mike Greenburg, ODEQ  
Kelly Thorkilson, USCG  
Richard Franklin, US EPA



July 5, 2012

Oregon Department of Environmental Quality  
Attn: Mr. Scott Smith, Oil Spill Contingency Planner  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

Re: Kinder Morgan Pacific Region – Northern Region-Northwest Integrated  
Contingency Plan

Dear Scott;

Enclosed is one set of revised pages and revision instructions for your copy of the Pacific Region – Northern Region-Northwest Integrated Contingency Plan (ICP). These revisions, dated June 2012, were prepared to address internal and external notification and distribution information in Volume 1; and new Qualified/Alternate Qualified Individuals for the Oregon Pipelines Area/Eugene Terminal in Volume 2 Northern Region-Northwest.

If you have any questions, comments or need further information, please contact me at (713) 369-8530 or (832) 405-1701.

Sincerely,

A handwritten signature in black ink, appearing to read 'C.V. Mathis', with a long horizontal flourish extending to the right.

Charles V. Mathis  
Manager – Emergency Response Programs

Enclosures



July 5, 2011

Oregon Department of Environmental Quality  
Attn: Mr. Scott Smith, Oil Spill Contingency Planner  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

Re: Kinder Morgan Pacific Region – Northern Region-Northwest Integrated  
Contingency Plan

Dear Mr. Smith;

Enclosed are the revised sections missing from your copy of Volume 2, Northern  
Region-Northwest of the Pacific Region – Integrated Contingency Plan (ICP).

For ease of updating the hard copy entire sections have been included even though not  
all pages in a section were revised. To update your hard copy remove Volume 2,  
Section 1 and replace with the enclosed Section 1; remove Volume 2, Section 3 and  
replace with the enclosed Section 3; remove Volume 2, Linnton-Willbridge Area Section  
6 and replace with the enclosed Linnton-Willbridge Area Section 6; remove Volume 2  
Linnton-Willbridge Area Section 7 and replace with the enclosed Linnton-Willbridge Area  
Section 7; remove Volume 2, Linnton Terminal Section 8.1 and replace with the  
enclosed Linnton Terminal Section 8.1. Please destroy all removed pages.

If you have any questions, comments or need further information, please contact me at  
(713) 369-8530.

Sincerely,

Charles V. Mathis  
Manager – Emergency Response Programs

Enclosures

Dept. of Environmental Quality

**RECEIVED**

JUL 06 2011

**Land Quality Division**



September 26, 2011

Via Federal Express

Oregon Department of Environmental Quality  
Attn: Mr. Scott Smith, Oil Spill Contingency Planner  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

Dept. of Environmental Quality  
**RECEIVED**

SEP 27 2011

**Land Quality Division**

Re: Kinder Morgan Pacific Region  
Northern Region-Northwest  
Integrated Contingency Plan (ICP)

Dear Scott:

Enclosed is one set of revised pages and revision instructions for your copy of the Pacific Region - Northern Region-Northwest Integrated Contingency Plan (ICP). This revision, dated September 2011, was prepared to address the replacement of the Linnton Terminal Tank 55021 and the resulting increase in the Worst Case Spill volume. In addition the internal contact information has been updated and recent agency correspondence regarding the plan has been incorporated into Volume 1.

If you have any questions, comments or need further information, please contact me at (713) 369-8530 or (832) 405-1701.

Sincerely,

A handwritten signature in black ink, appearing to read 'C.V. Mathis', is written over a horizontal line.

Charles V. Mathis  
Manager - Emergency Response Programs

Enclosures



May 5, 2011

Via Federal Express

Oregon Department of Environmental Quality  
Attn: Mr. Scott Smith, Oil Spill Contingency Planner  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

Re: Kinder Morgan Pacific Region-Northern Region-Northwest  
Integrated Contingency Plan

Dear Mr. Smith;

Enclosed is a revised copy of the Pacific Region – Northern Region-Northwest Integrated Contingency Plan (ICP) for your review. This revision (dated April 2011) has been prepared to address the recent changes in Qualified Individual and administrative responsibilities for Portland Station and some of the Oregon Pipelines line segments as well as the deficiencies noted in your letter dated March 28, 2011. Revised text, where practical, is highlighted in yellow.

For the record, we take issue with the first sentence of your letter which states "The current Kinder-Morgan spill contingency plan was approved by Oregon DEQ on May 30<sup>th</sup>, 2001 for a five year period which expired nearly 5 years ago on May 30<sup>th</sup>, 2006." The current version of the Kinder Morgan Pacific Region Integrated Contingency Plan (ICP) was not distributed until October 2002. Revisions to this ICP have been submitted to Oregon DEQ no less than fifteen times since the original submission. The Oregon DEQ letter dated December 23, 2008 (enclosed) states that the ICP is "due to be updated and resubmitted for review and, if appropriate, re-approval" and requests that a copy of the revised plan be submitted for review by January 31, 2009. A revised copy of the ICP was submitted as requested. A copy of the transmittal letter that accompanied this submission is enclosed as well.

If you have any questions, comments or need further information, please contact me at (713) 369-8530.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles V. Mathis', is written over a horizontal line.

Charles V. Mathis  
Manager – Emergency Response Programs

Enclosures

500 Dallas Suite 1000 Houston, TX 77002 713-369-9000 713-369-9394 Fax

CONTINGENCY PLAN REVIEW CHECKLIST RESPONSE			
ODEQ Letter Dated March 28, 2011	ODEQ COMMENT	AFFECTED PAGES	Kinder Morgan Response
3) OAR 340-141-0140 (12) (Response Personnel) and OAR 340-141-150 (3)(a) (Facility Planning Standards in the Columbia River Sub Zone)	<p>"In our review of April 14<sup>th</sup>, DEQ asked kinder Morgan to specify how staffing would be arranged during after hours transfers to ensure compliance with Oregon DEQ requirements for spill notifications and deployment of boom within 1 hour. The Kinder Morgan's response asserted that this information was available in several locations of the KMICP without specifically indicating where in the plan the information is available. Based on our review of paper and electronic versions of the plan, this information has not yet been provided."</p>	Volume 2, Linnton Terminal Figure 8.1, page 8.1-6; Willbridge Terminal Figure 8.1, page 8.1-7	Additional text has been added to Figures 8.1 for the Linnton and Willbridge Terminals to more clearly indicate the availability of personnel for normal operations and emergency response.

# CONTINGENCY PLAN REVIEW CHECKLIST RESPONSE

ODEQ Letter Dated March 28, 2011	ODEQ COMMENT	AFFECTED PAGES	Kinder Morgan Response
1) OAR 340-141-0160 (3)(h) (History of Discharges)	"A history of discharges has not been included in an electronic or paper copy format. Based on our prior discussions, we understand that Kinder Morgan maintains an online corporate database of required historical information however, as we discussed, a hard copy must be included in the plan."	Volume 2, Linnton Terminal §8.2.5, page 8.2-18; Willbridge Terminal §8.2.5, page 8.2-29; ODEQ Jurisdictional Pipeline Segments §9.5, page 9-23	Tables have been added in each of the listed locations containing a list of discharges of oil in excess of 25 barrels (1,050 gallons) to land or waters of the state in the five years preceding submittal of the Integrated Contingency Plan.
2) OAR 340-141-140(11) & OAR 340-142-0040 (Notifications and Reporting Requirements)	"On April 14 <sup>th</sup> , 2010 DEQ advised you that notification procedures, as described in the KMICP, must specify that initial notification to the Oregon Emergency Response System (OERS) will include an estimate of the volume spilled. However, KMICP's plan currently indicates that Kinder-Morgan will provide a description of the "wet area". A "wet area" notification process fails to meet the State of Oregon's spill reporting and spill contingency planning requirements."	Volume 1 §2.0.2, page 2-1	New reporting procedures provide for reporting volumes rather than areas.





# Oregon

Theodore R. Kulongoski, Governor

## Department of Environmental Quality

Headquarters

811 SW Sixth Avenue

Portland, OR 97204-1390

(503) 229-5696

FAX (503) 229-6124

TTY (503) 229-6993

December 23, 2008

Mr. Gregory Westling, Area Manager  
Kinder Morgan Energy Partners, L.P.  
5880 N.W. St. Helens Rd.  
Portland, OR 97210

RE: Oil Spill Contingency Plan 5 year Resubmission

Dear Mr. Westling:

It has been five years since the Department's approval of the Kinder Morgan Willbridge and Linton Oil Spill Contingency Plan. Facility plans approved by the State of Oregon are valid for a period of up to five years, and are required to be reviewed and re-approved by the Department as identified in Oregon Administrative Rule (OAR) 340-141-0220(4). This letter is to remind you that your facility plans are due to be updated and resubmitted for review and, if appropriate, re-approval. The Department is requesting that a current plan be sent to this office by January 31, 2009, to initiate the review process. If you have any questions regarding the plan content requirements, review checklists are available upon request.

Please direct any questions, as well as all plan amendments and resubmissions to my attention at the address listed above, or you can contact me at 503-229-5370. Thank you for your assistance with this matter.

Sincerely,

Joshua M. Scruggs  
Oil Spill Contingency Planner  
Oregon Department of Environmental Quality



January 27, 2009

Oregon Department of Environmental Quality  
Attn: Mr. Joshua Scruggs  
811 SW Sixth Street  
Portland, Oregon 977204-1390

**Re: Kinder Morgan Energy Partners - Pacific Region Integrated Contingency Plan  
Northern Region – Northwest  
Five-Year Resubmission**

Dear Mr. Scruggs:

Enclosed is a CD containing an electronic copy of the Pacific Region Integrated Contingency Plan (ICP) covering the Eugene, Linnton and Willbridge Terminals as well as the Oregon Pipelines owned and operated by Kinder Morgan. The ICP is updated through January 2009 and is being submitted for your review and approval as requested in your letter dated December 23, 2008.

If you have any questions, comments, need further information, or need a paper copy of the ICP, please contact me at (713) 369-8530.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. V. Mathis', is written over a horizontal line.

Charles V. Mathis  
Manager – Emergency Response Programs

Enclosure



April 20, 2010

Oregon Department of Environmental Quality  
Attn: Mr. Scott Smith, Oil Spill Contingency Planner  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

Re: Kinder Morgan Pacific Region – Northern Region-  
Northwest Integrated Contingency Plan

Dear Scott:

Enclosed is one set of revised pages for the Pacific Region – Northern Region- Northwest Integrated Contingency Plan (ICP) for your review. This revision (dated April 2010) has been prepared to address the deficiencies noted in your review dated April 14, 2010 requiring a response no later than April 21, 2010. Revised text, where practical, is highlighted in yellow.

For your convenience, the individual deficiencies identified in your review and our responses are detailed in the table on the following pages. Where we have made revisions based on your comments, you will be directed to the applicable page(s) and section number(s), otherwise we provide reasoning for why we believe that the sections and/or figures cited in our original submittal are adequate.

If you have any questions, comments or need further information, please contact me at (713) 369-8530.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. Mathis', is written over a horizontal line.

Charles V. Mathis  
Manager – Emergency Response Programs

Enclosures

## CONTINGENCY PLAN REVIEW CHECKLIST RESPONSE

REVIEW CHECKLIST SECTION NO.	ODEQ COMMENT	AFFECTED PAGES	Kinder Morgan Response
1. Plan Preparation	The plan inadequately describes the relationship between the various facilities and pipelines and the resources which will be used to address large pollution incidents. The relationship between KM, NRC and Clean Rivers is not well defined. Disposal of recovered product is not adequately covered.		
	To be adequate, the plan must address more specifically how each facility or pipeline would respond during the first 2 hours (or 6 hours for pipelines) prior to the arrival of contracted resources.		
2. Format	The format of the plan distinguishes between facilities at Willbridge and Linnton and the Eugene Pipeline section. These sections are (for formatting purposes) approved. A similar section for the Airport Pipeline should be added if the response to a spill on that pipeline is different from the Eugene Pipeline and uses different resources. Otherwise, the relationship should be more clearly defined.	Vol 2 NR-NW §1.2 page 1-2, Vol 2 NR-NW Oregon Pipelines Area §6.1 page 6-1 and Figure 6.1i page 6-11	April 20, 2010: The Portland Airport Pipeline (PDX) is included in the Oregon Pipelines Area. The response procedures, personnel and resources for PDX are the same as those for the other pipeline segments in this area.
	Provide field document for pipelines.		

## CONTINGENCY PLAN REVIEW CHECKLIST RESPONSE

REVIEW CHECKLIST SECTION NO.	ODEQ COMMENT	AFFECTED PAGES	Kinder Morgan Response
3. Plan Content Requirements	1) Signature on acceptance letter is 5 years old. 2) Letter is unclear whether it applies to one facility, or all facilities and pipelines. 3) Letter should clearly designate qualified individual(s) located within Oregon who have the authority to obligate funds.	Vol 1 FWD-ii, Vol 1 §1.1 page 1-1, Vol 2 NR-NW ERAP-2, Vol 2 NR-NW §8.1 Figure 8.1	April 20, 2010: The Acknowledgement and Plan Approval on page FWD-ii signed by Mr. Ron Morones in 2005 is still current and delegates the required authorities to the Qualified Individual (s) (QI). QIs and AQIs are designated in Volume 1 Section 1.1. These delegations and designations apply to all pipelines and facilities located in Arizona, California, New Mexico, Nevada, Oregon, and Texas (approximately 27 individuals total). In Volume 2 Northern Region – Northwest the QIs and AQI are listed in the ERAPs and each Section 8.1. We believe the ICP adequately addresses this requirement.
	For sections in 340-141-140 many references are missing or too vague (for instance referring to "Volume 2" instead of "Volume 2, section 4.1") No cross reference was found for all 340-141-160 regulations.	Vol 1, Regulatory Cross References pages Cross Reference-22 on.	April 20, 2010: The existing OAR Cross Reference will be checked for accuracy and revised as necessary. A Cross Reference for OAR 340-141-0160 will be developed and included with the next submission. Please note that this Cross Reference will reference multiple documents that are not included in the ICP.
	Volume 1, Section 1.5 incorrectly identifies OAR 340-47. Regs have moved to OAR 340-141. Also, the address on the Linnton terminal ERAP is incorrect.	Vol 1 § 1.5, Vol 2 NR-NW Linnton ERAP cover	April 20, 2010: Vol 1 §1.5 has been corrected as has the Linnton Terminal ERAP cover. Revised pages included.

## CONTINGENCY PLAN REVIEW CHECKLIST RESPONSE

REVIEW CHECKLIST SECTION NO.	ODEQ COMMENT	AFFECTED PAGES	Kinder Morgan Response
3. Plan Content Requirements (cont'd)	The Linnton and Willbridge facilities both appear to enlist the resources of NRC in Volume 2, Sect 3.3, however the letter of intent is from 2007. Provide a current letter of intent for these facilities. Eugene Pipeline is a member of Clean Rivers Co-Op according to Volume 2 Section 2.1. Provide proof of membership and contact info. Clarify primary response contractors or Co-Op membership for the Airport pipeline as well.		April 20, 2010: The Portland Airport Pipeline (PDX) is included in the Oregon Pipelines Area. The response procedures, personnel and resources for PDX are the same as those for the other pipeline segments in this area.
	Spill detection measures discussed in Vol. 1 Section 2.0.1 describes automatic high level alarms and shutdown procedures. These fail to be specific enough to detail spill prevention and detection technology available at a particular facility. For instance " <u>Some facilities</u> are equipped with <u>various kinds</u> of detection and alarm equipment" fails to meet DEQ spill detection standards. Provide facility specific evidence of compliance. Also " <u>Many facilities</u> are equipped with <u>various kinds</u> of computerized control systems and monitor operations and can detect abnormal conditions which may result in an emergency situation" is too vague of a statement to be considered for planning purposes. Pipeline detection procedures are vague or missing.		April 20, 2010: Volume 1 contains information applicable to all Kinder Morgan owned and operated pipelines and facilities located in Arizona, California, New Mexico, Nevada, Oregon, and Texas and is therefore necessarily vague with regard to specific control, monitoring, alarm, and detection systems and equipment. The Cross Reference will be updated to indicate the more specific information contained in each Vol 2 § 8.2.

## CONTINGENCY PLAN REVIEW CHECKLIST RESPONSE

REVIEW CHECKLIST ITEM NO.	WDOE COMMENT	AFFECTED PAGES	Kinder Morgan Response
3. Plan Content Requirements (cont'd)  OK	<p>Estimates of a spill area do not adequately provide response agencies with sufficient information to initiate response actions in a timely manner. DEQ requires notifications to OERS to include an estimate of volume. The plan should also specify that, as additional information becomes available about the spill volume and response actions, KM shall <u>immediately</u> notify appropriate government agencies.</p>	Vol 1 §2.0	<p>April 20, 2010: As discussed during our meeting at the Willbridge Terminal on April 14, 2010 with the Willbridge Area Manager and the Operations Manager for Northern Region-Northwest, spill reports to OERS will include an estimated volume and updates to the appropriate agencies will be made as additional information becomes available. Revisions to the notification procedures in Vol 1 §2.0 will be included in the next revision.</p>
	<p>Capability to satisfy state initial 2 hour response requirements are not specified. For instance, Willbridge and Linnton terminals require only 1 person at the dock and another at the facility during after hours transfers. Initial response actions must include notifications, securing the source of the release and deploying a specified amount of boom. Provide minimum manning requirements for each type of operation ie Barge transfers at docks, loading arm spills, pipeline ops etc. State the specific function of each member of the staff for each emergency, and ensure notification and response goals specified in 340-141-150(3)(a) &amp; (g) are satisfied for the initial 2 hour response.</p>		<p>April 20, 2010: As discussed during our meeting at the Willbridge Terminal on April 14, 2010, the language in Vol 2 §8.1 Figure 8.1 is meant to identify the minimum personnel directly associated with <u>marine transfers</u> only. This is not meant to designate the number of personnel available for emergency response.</p> <p>Personnel assigned to each facility are listed in Vol 1 §2.0 Figure 2.3a. In the NR-NW this includes the Eugene Terminal, Linnton Terminal, Portland Station, and Willbridge Terminal.</p> <p>The Kinder Morgan Notification procedures are designed to lift the notification burden from facility personnel and ensure that the required notifications are made as quickly and efficiently as possible.</p> <p>340-141-0150 (3)(a) and (g) do not specify notifications or number of personnel.</p>

## CONTINGENCY PLAN REVIEW CHECKLIST RESPONSE

REVIEW CHECKLIST ITEM NO.	WDOE COMMENT	AFFECTED PAGES	Kinder Morgan Response
3. Plan Content Requirements (cont'd)	For #3 please provide EDRC for sorbent pads and boom at Linnton and Willbridge facilities. For #5, identify staging areas for WCD during first 2 hours of projected spill movement. Vol 2 §4.4 not adequate for Linnton and Willbridge facilities.		April 20, 2010: As discussed during our meeting in your office on April 13, 2010, the Estimated Daily Recovery Capability (EDRC) for sorbent pads and boom is not provided by the manufacturer. During the first 2 hours of a response equipment staged at each facility will be deployed as well as some NRC equipment staged at Swan Island. Linnton Terminal Tactical Plan 2 (Vol 2 §8.4 Figure 8.9) identifies Fred's Marina as an equipment staging area. Additional access points and staging areas along the Columbia River are identified in the Lower Columbia River Geographic Response Plan included in the ACP/GRP CD/Folder.
	#2 Air to ground communications are not discussed, but is an aerial reconnaissance capability needed to locate a ruptured pipe from Portland to Eugene? #3 Range limitations (particularly along the Eugene pipeline route where cell phones may become unreliable) are not discussed. #4 Compatibility with NRC and Clean Rivers communications and specific working channels are not adequately discussed.		



## CONTINGENCY PLAN REVIEW CHECKLIST RESPONSE

REVIEW CHECKLIST ITEM NO.	WDOE COMMENT	AFFECTED PAGES	Kinder Morgan Response
3. Plan Content Requirements (cont'd)	V2, Sec 5.4 provides good general guidance but needs to be refined to address more specific issues. For facilities, #1 & #3 need to be site and area specific to describe how waste is expected to be managed, and in what volumes. For instance, if barges are to be used for interim storage as the plan suggests, then provide phone numbers, estimated storage capabilities and estimated response times for possible barges in the area. For #4 identify long term disposal/re-refining options for all anticipated waste streams. #2 may be n/a, depending on how KM decides to comply with 1, 3 & 4. Otherwise, provide a list of regulatory agencies and numbers required for interim storage site approval for each facility & pipeline.		
	Could not locate. (Post-spill procedures for debriefing)		April 20, 2010: Post incident review and investigation will be conducted in accordance with Kinder Morgan Liquids Operations and Maintenance Procedure 159 – Incident Reporting and Investigation. A reference to this Procedure will be added during the next revision to the ICP.

## CONTINGENCY PLAN REVIEW CHECKLIST RESPONSE

REVIEW CHECKLIST ITEM NO.	WDOE COMMENT	AFFECTED PAGES	Kinder Morgan Response
3. Plan Content Requirements (cont'd)	For #2 add "... will notify USCG, WDOE and ODEQ at least 60 days prior to full deployment and tabletop drills, and 10 days prior to equipment deployment exercises."	Vol 1 § 1.8	April 20, 2010: Since Vol 1 is applicable to all Kinder Morgan owned and operated pipelines and facilities located in Arizona, California, New Mexico, Nevada, Oregon, and Texas we propose to change the 3rd bullet on page 1-9 to read "The Manager – Emergency Response Programs will notify federal and state agencies and provide final reports as required by applicable federal and state regulations."
	For #3 add "Post drill reports will be sent to ____ within 60 days of drill completion."		
	For #1 add physical properties data in ERAP's, V2 Section 8, or both. For #2 and 3 provide analysis of spill risk variables for pipelines for areas where a spill may impact waters of the state, or any other area which may present a special spill hazard. See requirements of OAR 340-141-140(29)		April 20, 2010: Vol 1 Figure 3.3 will be added to the ERAP's with the next revision. The types and quantities of oils handled are detailed in Vol 2 Figure 8.1 for the Eugene, Linnton, and Willbridge Terminals. All refined products transferred at the Eugene Terminal are supplied via LS 14. Areas where the pipelines could impact waters of the state and drinking water sources are identified in the HCA diagrams on the CD/Folder included in the ICP. Additional information will be provided with next revision.
	Note, coordinates of vulnerable wetlands on 8.2-30 (willbridge) 8.2-21 (Eugene Pipe) and 8.2-18 (linnton) appears to include inaccurate data. Please correct.		April 20, 2010: Noted. Data will be revised with next revision. Note that 8.2-21 is applicable to the Eugene Terminal not the Oregon Pipelines (Eugene Pipe).
	WCD for the Willbridge terminal is from tank WB-054 which contains diesel. Scenario is a near copy of scenario for Linnton terminal, which covers a gasoline spill. Provide Willbridge diesel scenario and PDX pipeline Aviation Fuel Scenario.		

## CONTINGENCY PLAN REVIEW CHECKLIST RESPONSE

REVIEW CHECKLIST ITEM NO.	WDOE COMMENT	AFFECTED PAGES	Kinder Morgan Response
3. Plan Content Requirements (cont'd)	Normally, this is the same as requirement OAR 340-141-140(1)(a)-(c) (Provide evidence of federal financial responsibility requirements).	Vol 1 FWD-ii, Vol 1 §1.1 page 1-1, Vol 2 NR-NW ERAP-2, Vol 2 NR-NW §8.1 Figure 8.1	April 20, 2010: Based on previous discuss re Submittal Letter we believe the ICP adequately addresses this requirement.
5. Prevention Strategies for Facilities			April 20, 2010: A 340-141-0160 Cross Reference is under development and will be provided with the next revision. Please note that this Cross Reference will include documents other than the ICP.

REVISION RECORD			
CHANGE DATE	REMOVE	INSERT	DESCRIPTION OF CHANGE(S)
	PAGE NUMBER(S)		
December 2007	FWD-iv thru FWD-x, TOC-i, 1-3, 1-4, 2-2, 2-7, 2-8, 2-9, 2-22, 2-23, 2-46, 2-47, 2-50, 3-26, 4-28, Cross Reference-1, Glossary / Acronyms-3, Glossary / Acronyms-11	FWD-iv thru FWD-xi, TOC-i, 1-3, 1-4, 2-2, 2-7, 2-8, 2-9, 2-22, 2-23, 2-46, 2-47, 2-50, 3-26, 4-28, Cross Reference-1, Glossary / Acronyms-3, Glossary / Acronyms-11	Annual update
November 2008	FWD-iv thru FWD-vii, FWD-x, FWD-xi, 1-1, 1-3, 1-4, 2-21 and Crisis List – Products Pipeline (4 pages), Cross Reference-1, Cross Reference-3, Cross Reference-10 thru Cross Reference-16, Cross Reference 29 thru end	FWD-iv thru FWD-vii, FWD-x, FWD-xi, 1-1, 1-3, 1-4, 2-21 and Crisis List – Products Pipeline (5 pages), Cross Reference-1, Cross Reference-3, Cross Reference-10 thru Cross Reference-16	Annual Review and update
October 2009	2-47	2-47	Distribution and notification updates.
April 2010	FWD-iv, 1-3	FWD-iv, 1-3	ODEQ Regulatory Review.

**NOTE:** It is the responsibility of the holder of this plan to insure that all changes and updates are made. The plan holder must:

- Remove and discard obsolete pages.
- Replace obsolete pages with the updated pages.

**1.4 PLAN PURPOSE / OBJECTIVES (Cont'd)**

- Define notification, activation and mobilization procedures to be followed when an incident occurs.
- Define organizational lines of responsibility to be adhered to during a response.
- Ensure compliance with applicable federal, state and local regulatory requirements.
- Ensure consistency with the National Contingency Plan (NCP) and any Area Contingency Plans (ACP's) for the areas involved.

**1.5 SCOPE**

The scope of this plan is to comply with federal, state and local contingency planning requirements including (where applicable):

- U.S. DOT –Transportation Related On-Shore Facility Response Planning Rule (49 CFR 194 and 195)
- U.S. EPA - Non-Transportation Related On-Shore Facility Response Planning Rule (40 CFR 112.20)
- U.S.C.G. – Marine Transportation Related Facility Response Planning Rule (33 CFR 154)
- California State Lands Commission (CCR Title 2, Division 3, Chapter 1, Article 5 § 2395)
- California Department of Fish and Game/Office of Oil Spill Prevention and Response (CCR Title 14, Division 1)
- Oregon Department of Environmental Quality – Oil Spill Contingency Planning and Fees (OAR 340-141)
- California Codes Government Code Section 51010 – 51019.1

KMEP does hereby certify that this ICP is consistent with current drafts of the National Contingency Plan (NCP) and each applicable Area Contingency Plan (ACP). The ACP's which apply are:

**Area Contingency Plans**

<b>Northwest Area</b> ( <a href="http://www.rrt10nwac.com/nwacp_document.htm">http://www.rrt10nwac.com/nwacp_document.htm</a> )	<b><u>Effective Date</u></b> February 2005
<b>San Francisco Bay &amp; Delta</b> ( <a href="http://www.dfg.ca.gov/ospr/response/acp/marine//2005/2005SFACPs/sf_acp_index.html">http://www.dfg.ca.gov/ospr/response/acp/marine//2005/2005SFACPs/sf_acp_index.html</a> )	October 2005
<b>Los Angeles / Long Beach</b> ( <a href="http://www.dfg.ca.gov/ospr/response/acp/marine/2005ACPs/2005LAACPs/lalb_acp_index.html">http://www.dfg.ca.gov/ospr/response/acp/marine/2005ACPs/2005LAACPs/lalb_acp_index.html</a> )	April 2006
<b>San Diego</b> ( <a href="http://www.dfg.ca.gov/ospr/response/acp/marine/2005ACPs/2005SDACP/sd_acp_index.html">http://www.dfg.ca.gov/ospr/response/acp/marine/2005ACPs/2005SDACP/sd_acp_index.html</a> )	March 2007

REVISION RECORD (Cont'd)			
CHANGE DATE	REMOVE	INSERT	DESCRIPTION OF CHANGE(S)
	PAGE NUMBER(S)		
November 2008	FWD-i, FWD-iii thru vii, TOC-i, TOC-ii, 1-1, 1-3 thru 1-5, Figure 1.1 Washington Area Map (page 1-8), 1-9 2-2, 2-6 thru 2-13 (retain Open End and On-Call Contracts), 3-10 thru 3-35 (retain Linnton and Willbridge Terminals-NRCES Work Directives), Harbor Island Terminal-NRCES Work Directive, 4-5 thru 4-7; Willbridge Terminal Figure 8.3, Washington Area Tab and all pages following	FWD-i, FWD-iii thru viii, TOC-i, TOC-ii, 1-1, 1-3 thru 1-5, 1-8, 2-2, 2-6 thru 2-11 (retain Open End and On-Call Contracts), 3-10 thru 3-32 (retain Linnton and Willbridge Terminals-NRCES Work Directives), 4-5 thru 4-7; Willbridge Terminal Figure 8.3	Annual Review and update. Remove Harbor Island Terminal from ICP. Update notification information, facility information and facility diagrams.
January 2009	FWD-v, FWD-vii, 3-2, 3-32 and NRCES Work Directives	FWD-v, FWD-vii, 3-2, 3-32 and NRCES Contract Amendment 3	Update for Oregon Department of Environmental Quality five-year resubmission. Update OSRO contract.
August 2009	v through viii, 2-6 thru 2-9, 3-1, 3-7 thru 3-32 and NRCES Work Directives, Linnton Area – ERAP Title Page, ERAP-2; 8.1-3, Willbridge Area – ERAP Title Page, ERAP-2, 8.1-3; Oregon Pipelines – 6-1, 6-11 (retain HCA Overview Map)	v through vii, 2-6 thru 2-9, 3-1, 3-7 thru 3-23 (including CRC Membership Roster, NRCES Work Directives, NW HAZMAT Equipment List, and NW HAZMAT Contract), Linnton Area – ERAP Title Page, ERAP-2, 8.1-3, Willbridge Area – ERAP Title Page, ERAP-2, 8.1-3, Oregon Pipelines – 6-1, 6-11, 6-12	Change in Alternate Qualified Individual and acquisition of Portland Airport Pipeline. Update Distribution List
September 2009	v through vii, 1-2, Oregon Pipelines Area 6-1.	v through vii, 1-2, Oregon Pipelines Area 6-1.	Distribution update, correct Portland Airport Pipeline designation.

REVISION RECORD (Cont'd)				
CHANGE DATE	AFFECTED PAGES	DESCRIPTION OF CHANGE(S)	NAME	ODEQ (Y/N)
April 2010	v through viii; Linnton ERAP Cover Page, 8.1-6; Willbridge 8.1-7	Update descriptions of personnel available for marine transfer operations as required by ODEQ review.	C. V. Mathis, Manager – Emergency Response Programs	Y

**NOTE:** It is the responsibility of the holder of this plan to insure that all changes and updates are made. The Plan Holder must:

- Remove and discard obsolete pages.
- Replace obsolete pages with the updated pages.

DISTRIBUTION LIST				
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		Foreword thru Section 5	Oregon Pipelines Area	Linnton-Willbridge Area
1	Director, Compliance, Codes and Standards 500 Dallas, Suite 1000 Houston, TX 77002	C	C	C
2, 21, 22	Director of Operations (3) 100 Cement Hill Road, Suite 500 Fairfield, CA 94533	C	C	C
29	Manager Pipeline Maintenance			
13 14-17 18 19, 20	Orange Facilities 1100 Town & Country Road Orange, CA 92868  Crisis Relocation Center Mission Valley Orange Control Center (4) Orange Remediation Groups (Environmental Specialists) (2) Orange Engineering (2)	C	C	C
7	Operations Manager 5880 N.W. St. Helens Road Portland, OR 97210	C	C	C
9	Area Manager (Linnton-Willbridge Area) 5880 N.W. St. Helens Road Portland, OR 97210	A		A
25 26	Facility Copy – Linnton Terminal Operations Supervisor - Willbridge Terminal			
8	Area Manager (Oregon Pipelines Area) 1765 Prairie Road Eugene, OR 97402	A	A	
23 24	Lead Operator (Eugene Terminal) Lead Operator (Portland Station)			



<b>DISTRIBUTION LIST (Cont'd)</b>	
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U.S. Coast Guard, Sector Portland Oregon 6767 N. Basin Avenue Portland, OR 97217-3992	
U.S. Environmental Protection Agency – Region X Attn: Mr. Mike Sibley 1200 6 <sup>th</sup> Avenue, Suite 900, M/S ECL 116 Seattle, WA 98101	
Department of Environmental Quality - Portland Attn: Oil Spill Contingency Plan Reviewer 811 SW 6 <sup>th</sup> Avenue Portland, OR 97204	
O'Briens Response Management Inc. 6620 Cypresswood Drive, Suite 200 Spring, TX 77379	
<b>COPIES REMOVED FROM CIRCULATION</b>	
3, 4, 5, 6, 10, 11, 12, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41	

**NOTE:** The Distribution of this Plan is controlled by the Copy Number located on the front cover. The Plan Distribution Procedures and the Plan Review and Update Procedures provided in Volume 1 should be followed when making any and all changes.

A = 2.0" Binder

C = 3.0" Binder

# **EMERGENCY RESPONSE ACTION PLAN**



**Northern Region - Northwest**

**Linnton-Willbridge Area**

**Linnton Terminal**

**April 2010**

Kinder Morgan Liquids Terminals, LLC  
Linnton Terminal  
11400 N.W. St. Helens Road  
Portland, OR 97231-1036  
(503) 220-1260  
(503) 220-1270 (FAX)

## FIGURE 8.1

## FACILITY INFORMATION (Cont'd)

## PHYSICAL DESCRIPTION - MARINE OPERATIONS (Cont'd)

**Discharging Rates:** Approximately 6,500 bph

**Frequency of Transfer:** Five (5) transfers per month (*typical*)

**Duration of Transfer:** 5 to 8 hrs (*typical*)

**Discharge Prevention:**

- Each transfer at the dock is closely monitored by two (2) operators, one (1) at the dock area and one (1) at the Facility end of the line. Radio communication is maintained between the operators to assure a safe product transfer. An additional operator is available at the Facility or at the nearby Willbridge Terminal in the event of a spill during transfer operations.
- The loading/unloading lines are equipped with drip pans under the pump header connections.
- The dock area is well lighted and operations conducted in this area are in strict accordance with USCG procedures. These procedures are written in the Facility's Dock Operations Manual.

## DATES AND TYPES OF SUBSTANTIAL EXPANSIONS

- No substantial expansions have occurred at this Facility.

FIGURE 8.1

## FACILITY INFORMATION (Cont'd)

## PHYSICAL DESCRIPTION - MARINE OPERATIONS

**Description of Operation:**

- The Facility operates six (6) pipelines at the dock facility on the Willamette River and one (1) - 12" vapor recovery line. One (1) pipeline carries Diesel, two (2) pipelines carry Jet A and three (3) pipelines carry Gasoline. All six (6) lines are 10" diameter and approximately 600 feet in length, and pump at an average rate of 4,200 bph.

**Tow Quantity:** One (1)

**Length:** Vessels: 695 ft. length; 27'-0" Bow, 31'-6" Stern

**Average Shipment Size:** 35,000 - 45,000 bbls

**Discharging Rates:** Approximately 6,500 bph

**Frequency of Transfer:** 14 transfers per month (*typical*)

**Duration of Transfer:** 12 to 20 Hours (*typical*)

**Discharge Prevention:**

- Each transfer at the dock is closely monitored by two (2) operators, one (1) at the dock area and one (1) at the Facility end of the line. Radio communication is maintained between the operators to assure a safe product transfer. An additional operator is available at the Facility or at the nearby Linnton Terminal in the event of a spill during transfer operations.
- The loading/unloading lines are equipped with drip pans under the pump header connections.
- The dock area is well lighted and operations conducted in this area are in strict accordance with USCG procedures. These procedures are written in the Facility's Dock Operations Manual.



# Oregon

Theodore R. Kulongoski, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY (503) 229-6993

December 23, 2008

Mr. Gregory Westling, Area Manager  
Kinder Morgan Energy Partners, L.P.  
5880 N.W. St. Helens Rd.  
Portland, OR 97210

RE: Oil Spill Contingency Plan 5 year Resubmission

Dear Mr. Westling:

It has been five years since the Department's approval of the Kinder Morgan Willbridge and Linton Oil Spill Contingency Plan. Facility plans approved by the State of Oregon are valid for a period of up to five years, and are required to be reviewed and re-approved by the Department as identified in Oregon Administrative Rule (OAR) 340-141-0220(4). This letter is to remind you that your facility plans are due to be updated and resubmitted for review and, if appropriate, re-approval. The Department is requesting that a current plan be sent to this office by January 31, 2009, to initiate the review process. If you have any questions regarding the plan content requirements, review checklists are available upon request.

Please direct any questions, as well as all plan amendments and resubmissions to my attention at the address listed above, or you can contact me at 503-229-5370. Thank you for your assistance with this matter.

Sincerely,

Joshua M. Scruggs  
Oil Spill Contingency Planner  
Oregon Department of Environmental Quality



January 27, 2009

Dept. of Environmental Quality

**RECEIVED**

**JAN 28 2009**

**Land Quality Division**  
# 45

Oregon Department of Environmental Quality  
Attn: Mr. Joshua Scruggs  
811 SW Sixth Street  
Portland, Oregon 977204-1390

**Re: Kinder Morgan Energy Partners - Pacific Region Integrated Contingency Plan  
Northern Region - Northwest  
Five-Year Resubmission**

Dear Mr. Scruggs:

Enclosed is a CD containing an electronic copy of the Pacific Region Integrated Contingency Plan (ICP) covering the Eugene, Linnton and Willbridge Terminals as well as the Oregon Pipelines owned and operated by Kinder Morgan. The ICP is updated through January 2009 and is being submitted for your review and approval as requested in your letter dated December 23, 2008.

If you have any questions, comments, need further information, or need a paper copy of the ICP, please contact me at (713) 369-8530.

Sincerely,

A handwritten signature in black ink, appearing to read "C. V. Mathis", is written over the typed name.

Charles V. Mathis  
Manager - Emergency Response Programs

Enclosure



January 13, 2010

Via Certified Mail: 7006-2150-0003-0110-7065

Oregon Department of Environmental Quality  
Attn: Contingency Plan Coordinator  
811 SW Sixth Street  
Portland, Oregon 977204-1390

Re: Kinder Morgan Energy Partners Pacific Region Integrated Contingency Plan  
Northern Region – Northwest  
Five-Year Resubmission

To Whom It May Concern;

Enclosed is a CD containing an electronic copy of the Pacific Region Integrated Contingency Plan (ICP) covering the Eugene, Linnton and Willbridge Terminals as well as the Oregon Pipelines owned and operated by Kinder Morgan. The ICP is current up to September 2009. This CD replaces any other printed or electronic copies you currently hold.

If you have any questions, comments, need further information, or need a paper copy of the ICP, please contact me at (713) 369-8530.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Mathis', is written over a horizontal line.

Charles V. Mathis  
Manager – Emergency Response Programs

Enclosure



February 3, 2010

Via Certified Mail: 7006-2150-0003-0110-7201

Oregon Department of Environmental Quality  
Attn: Mr. Scott Smith  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

**Re: Kinder Morgan Energy Partners Pacific Region Integrated Contingency Plan**

Dear Scott:

Enclosed are the updated hard copies of the Pacific Region Integrated Contingency Plans (ICP) covering the ODEQ Jurisdictional terminals and pipelines owned and operated by Kinder Morgan in your region. The ICP has been updated through August (Volume 1) and September (Volume 2) 2009.

Volume 1 of the ICP contains information and procedures applicable to all pipelines and terminals in the Kinder Morgan Pacific Region, which includes Arizona, California, New Mexico, Nevada, Oregon, Texas and Washington. Volume 2 Northern Region – Northwest contains information and procedures applicable to pipelines and terminals in Oregon. A cross reference for OAR-340-141-0140 is included in the Regulatory Cross References tab of Volume 1 beginning on page Cross Reference-22. Revised pages are listed in the Revision Record in the Foreword of each Volume.

If you have any questions, comments or need further information, please contact me at (713) 369-8530.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. V. Mathis', is written over a horizontal line.

Charles V. Mathis  
Manager – Emergency Response Programs

Enclosure



March 31, 2010

Mr. Chuck Mathis  
Kinder Morgan Energy Partners  
Emergency Response Programs  
500 Dallas Street  
Suite 1000  
Houston, TX 77002

Re: Kinder Morgan Energy Partners Integrated Spill Contingency Plan OAR 340-141-160

Dear Chuck Mathis,

The regulatory cross reference submitted to the Department of Environmental Quality on March 9, 2010 did not include a section 160 to division 141 of our spill contingency planning rules. A survey of the Kinder Morgan plan without using a regulatory reference has failed to find several important components of our regulatory requirements in this section. Since I have completed my review of sections 100, 130 and 140 and intend to return aspects of those sections to you for revisions, I have decided to return section 160 to you without review. If you would like for me to review section 160 I would be happy to comply after the submittal of a Regulatory Cross Reference.

SOSC's have suspected possible maintenance or spill detection technology failures as a possible cause of some recent spills at Kinder Morgan facilities. Therefore, compliance with Section 160 rules and a thorough inspection maintenance and prevention program all approved by a licensed engineer will be of the utmost importance in the consideration of Kinder Morgan's integrated spill contingency plan.

If you have any questions or believe I have reached this decision in error, please feel free to contact me at 503-229-5370 or [smith.scott@deq.state.or.us](mailto:smith.scott@deq.state.or.us).

Sincerely,

Scott A. Smith  
Spill Contingency Planner  
Land Quality Division  
Oregon Department of Environmental Quality



August 18, 2010

Via Federal Express

Oregon Department of Environmental Quality  
Attn: Mr. Scott Smith, Oil Spill Contingency Planner  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

Re: Kinder Morgan Pacific Region-Northern Region  
Northwest Integrated Contingency Plan

Dear Scott;

Enclosed is one set of revised pages for the Pacific Region – Northern Region-Northwest Integrated Contingency Plan (ICP) for your review. This revision (dated July 2010) has been prepared to address the deficiencies noted in your review dated April 14, 2010 as well as a number of administrative personnel, distribution and contact information changes.

The revision package provided is intended to replace all printed and electronic copies you currently hold.

If you have any questions, comments or need further information, please contact me at (713) 369-8530.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Mathis', is written over a horizontal line.

Charles V. Mathis  
Manager – Emergency Response Programs

Enclosure