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Dear Mr. O’Neil:

This letter responds to your Freedom of Information Act (FOIA) request dated 9/2/2014 and received in the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) FOIA Office on 9/4/2014. Your request is a 21-item request for “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.”

Please find attached a second response we are providing to you, which consists of 134 pages we are releasing to you in full. In addition, the following responds to each item of your request.

1. A complete copy of the current Kinder Morgan Energy Spill Contingency Plan with regard to the Pipeline.

This Facility Response Plan (FRP) was provided in the first response transmitted to you on 11/16/2014.

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.

The FRP would be the only plan that PHMSA holds with respect to emergency response. PHMSA does not create disaster response documents for responding to pipeline incidents for specific pipelines.

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.

In addition to the FRP requirements at 49 C.F.R. Part 194, 49 C.F.R. § 195.402 requires the preparation and maintenance of a procedural manual for operations, maintenance, and emergencies. PHMSA does not maintain operator records. PHMSA conducts inspections to ensure such documents are complete, accurate, and available.

4. All documents evidencing the meetings between Kinder Morgan representatives and your agency concerning Pipeline Safety, emergency or disaster planning concerning a pipeline rupture, leak or contamination.

Any such documents will be provided to you.

5. All documents memorializing how your agency will respond to and coordinate with local governments and Kinder Morgan concerning pipeline accidents.

PHMSA's primary focus following an incident would be to investigate the cause and initiate an enforcement action, when appropriate. PHMSA also has authority to administratively order that a pipeline operator take certain immediate actions to ensure safety and/or the integrity of the line, such as temporarily suspending operations of the line, reducing pressure, and/or performing corrective actions, when failure to do so would result in the likelihood of serious harm to life, property, or the environment. See 49 C.F.R. § 190.233. Beyond this and review of FRPs, PHMSA does not typically engage in response planning or coordination with local governments or pipeline operators that is specific to any pipeline.

6. All documents that identify the age of every portion of the Pipeline including all welded connection points.

PHMSA does not maintain this type of documentation.

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.

PHMSA does not maintain these types of records, but any documents relating to smart pig/inline inspection/integrity results that PHMSA has obtained in the course of enforcement actions related to the pipeline that runs from the Kinder Morgan Willbridge facility in Portland, Oregon to the Kinder Morgan facility in Eugene, Oregon will be provided to you.

8. All documents pertaining to any other testing done on the Pipeline from 1997 to present to identify structural integrity and corrosion.

See #7.

9. All documents identifying any other monitoring of the safety and integrity of the Pipeline.

See #7.

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.

No statutory authority or executive order directs PHMSA to conduct drills, but any documents documenting Kinder Morgan drills related to the City of Wilsonville in PHMSA's possession will be provided to you.

11. All documents evidencing the application of cathodic protection to the Pipeline after 1997.

PHMSA does not maintain these documents, but any such documents in PHMSA's possession related to the pipeline that runs from the Kinder Morgan Willbridge facility in Portland, Oregon to the Kinder Morgan facility in Eugene, Oregon, which would be obtained in the scope of an enforcement action, will be provided.

12. All documents evidencing any type of protective coating placed on the Pipeline.

See #11.

13. All documents identifying the current depth of the Pipeline underground taking into account erosion, farming, and building that has occurred since 1962.

See #11.

14. All documents pertaining to soil/water samples taken from or near the Pipeline path of travel since 1997.

See #11. PHMSA regulations do not require soil or water sampling.

15. All documents provided by your agency to local government situated in Clackamas, Washington, and Marion Counties concerning the Pipeline.

See #11. 49 C.F.R. § 195.440 requires that pipeline operators develop, maintain, and distribute public awareness information to municipalities, school districts, businesses, and residents.

16. All documents evidencing all investigations, reports, and findings prepared by DEQ or given to DEQ regarding the pipeline.

PHMSA does not have any such documents.

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.

Any such documents related to the pipeline that runs from the Kinder Morgan Willbridge facility in Portland, Oregon to the Kinder Morgan facility in Eugene, Oregon will be provided to you.

18. All documents that contain information concerning the current pressure and volume of fuel being transported through the Pipeline.

PHMSA does not maintain these documents, but any such documents in PHMSA's possession related to the pipeline that runs from the Kinder Morgan Willbridge facility in Portland, Oregon to the Kinder Morgan facility in Eugene, Oregon, which would be obtained in the scope of an enforcement action, will be provided.

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.

PHMSA does not maintain state standards. The Pipeline Safety Regulations are publically available at 49 C.F.R. Parts 190 – 199.

20. A copy of all current state and federal welding standards with respect to welding and material requirements required at pipeline connection points for refine petroleum pipelines identical to or substantially similar to the Pipeline.

See #19.

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.

See #7.

As we discussed on the phone recently, you will be receiving a third batch of documents once PHMSA's FOIA staff has completed its review for FOIA-exempt information. Review of the

remaining records will continue over the course of the next month. We will provide you with these remaining records as soon as possible, as they become available for release to you.

Thank you for your patience in this matter, and we hope that this response and the documents that PHMSA has collected are helpful to you.

Sincerely,