

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 10, 2014

By Email: cory.grogan@state.or.us
Mr. Cory Grogan
Oregon Office of Emergency Management
P.O. Box 14370
Salem, Oregon 97309-5062

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

Dear Mr. Grogan:

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. My clients have already served public records/FOIA requests on the other local, state, and federal agencies that are involved. Our focus with the Oregon Office of Emergency Management (OEM) is to obtain as much information we can on how the Pipeline has been incorporated in its disaster planning at all levels and divisions. We are also trying to confirm what information you may have received from other agencies and Kinder Morgan concerning the Pipeline.

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

2. Mr. Cory Grogan
September 10, 2014
Re: Public Records Request Concerning Kinder Morgan Pipeline

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 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 evacuate due to the fumes, and there were widespread concerns that the vapors would ignite and endanger these neighborhoods.

In lights 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:

1. A complete copy of the current Kinder Morgan Energy Spill/Disaster Contingency Plan with regard to the Pipeline.
2. A complete copy of the current disaster response plan(s) in all OEM divisions that 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 to OEM concerning the Pipeline and how Kinder Morgan intends to coordinate with state, federal, and local agencies during a disaster or emergency.
4. All documents evidencing the meetings between Kinder Morgan representative(s) and the OEM concerning Pipeline Safety, emergency or disaster planning concerning a pipeline rupture, leak or contamination.
5. All documents memorializing how the OEM will respond to and coordinate with local, state, federal agencies, and Kinder Morgan concerning Pipeline accidents.
6. All documents that identify the age of every portion of the Pipeline including all welded connection points.

3. Mr. Cory Grogan
September 10, 2014
Re: Public Records Request Concerning Kinder Morgan Pipeline

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.
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 State of Oregon.
11. All documents identifying the current depth of the Pipeline underground taking into account erosion, farming, and building that has occurred since 1962.
12. All documents provided by your agency to local governments situated in Clackamas, Washington, and Marion Counties concerning the Pipeline.
13. All documents that contain information concerning the current pressure and volume of fuel being transported through the Pipeline.
14. 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.
15. 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.
16. 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

4. Mr. Cory Grogan
September 10, 2014
Re: Public Records Request Concerning Kinder Morgan Pipeline

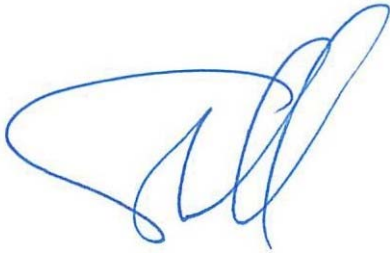
requested information is in the public interest and will contribute significantly to the public's understanding of the integrity and safety of the Pipeline, the local, state, and federal response to a pipeline emergency, and the coordination between Kinder Morgan and the relevant public agencies concerning 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 blue ink, appearing to read "S. O'Neil", with a large, sweeping flourish on the left side.

Shawn M. O'Neil

cc: Clients