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

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

NOTICE OF AMENDMENT

OVERNIGHT EXPRESS MAIL

January 27, 2014

Mr. F. L. Clark
Senior Vice President
Hess Corporation
One Hess Plaza
Woodbridge, NJ 07095

CPF 1-2014-6001M

Dear Mr. Clark:

On December 19, 2013, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected the Hess Corporation's (Hess) Public Awareness Program, titled Hess Corporation North Jersey Pipeline Public Awareness Plan (*Public Awareness Plan*), in Woodbridge, New Jersey.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Hess' procedures, as described below:

1. §195.440 Public awareness.
(a) . . .
(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Hess' written continuing public education program, *Hess Corporation North Jersey Pipeline Public Awareness Plan*, was inadequate because it failed to follow the general program recommendations in Section 3 of API RP 1162 and assess the unique attributes and characteristics of its pipeline and facilities. Specifically, the *Hess Corporation North Jersey Pipeline Public Awareness Plan* did not describe how Hess actually identified its stakeholders.

API RP 1162 Section 3 Stakeholder Audience defines the intended audiences that should be included in the public awareness program. For further explanations and examples, operators are referred to Appendix B of API RP 1162. Appendix B of API RP 1162 gives examples of how an operator may determine names and/or addresses of stakeholders.

Section 5. Identify the Four Stakeholder Audiences in the *Hess Corporation North Jersey Pipeline Public Awareness Plan* has general information about the methods for stakeholder audience identification commonly used to identify stakeholder audiences but lacked specific information on how Hess actually identified stakeholder groups for its particular pipeline, location, and potential impact consequences.

2. §195.440 Public awareness.
(a) . . .
(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Hess' program, *Hess Corporation North Jersey Pipeline Public Awareness Plan,* was inadequate because it failed to follow the general program recommendations in Section 4 of API RP 1162 and assess the unique attributes and characteristics of its pipeline and facilities. Specifically, the *Hess Corporation North Jersey Pipeline Public Awareness Plan* did not provide a detailed process for communicating the message content identified in Section 4 of API RP 1162, or justification as to why certain message content may not apply.

API RP 1162 Section 4 states, "An operator should select the optimum combination of message, delivery method, and frequency that meets the needs of the intended audience. . .
The basic message conveyed to the intended audience should provide information that will allow the operator to meet the program objectives. The communications should include enough information so that in the event of a pipeline emergency, the intended audience will know how to identify a potential hazard, protect themselves, notify emergency response personnel, and notify the pipeline operator." Section 4 further lists items that need to be incorporated into an operator's baseline public awareness program.

The *Hess Corporation North Jersey Pipeline Public Awareness Plan* and the letter mailed to stakeholders did not include all of the message content required by Section 4 of API RP 1162. If there is certain message content that does not apply to Hess' facilities and/or operation, then Hess should explain why the message content does not apply in its procedures.

3. §195.440 Public awareness.
(a) . . .
(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Hess's written continuing public education program, *Hess Corporation North Jersey Pipeline Public Awareness Plan,* was inadequate because it failed to follow the general program recommendations in Section 4 of API RP 1162 and assess the unique attributes and characteristics of the its pipeline and facilities. Specifically, Hess did not have a detailed written process for providing programs in both English and in other languages commonly used by a significant concentration of non-English speaking population along the pipeline.

API RP 1162 Section 4 Message Content states, "an operator should select the optimum combination of messages, delivery methods, and frequency that meets the needs of the intended audience . . . communications materials should be provided in the language(s) spoken by a significant portion of the intended audience."

Section 7 of *Hess Corporation North Jersey Pipeline Public Awareness Plan* states, "The communication materials are provided in English but will be prepared in other language(s) when that language is spoken by a significant portion of the intended audience." Nowhere in the *Hess Corporation North Jersey Pipeline Public Awareness Plan* did it have information on what data should be reviewed and evaluated. Consequently, there was no information about the frequency of evaluation and defining "significant number and concentration."

4. §195.440 Public awareness.
(a) . . .
(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Hess's written continuing public education program, *Hess Corporation North Jersey Pipeline Public Awareness Plan*, was inadequate because it failed to follow the general program recommendations in Section 5 of API RP 1162 and assess the unique attributes and characteristics of its pipeline and facilities. Specifically, the *Hess Corporation North Jersey Pipeline Public Awareness Plan* did not describe the message delivery methods that Hess used to communicate with intended stakeholder audiences.

API RP 1162 Section 5 Message Delivery Methods and/or Media list several types of print materials that can be used for communicating with intended audiences. Section 5 states that, "[b]ecause of the wide variety of printed materials, operators should carefully select the type, language and formatting based on the audience and message to be delivered."

Subsection 6.1. Establish Which Messages are to be used for Which Audiences in the *Hess Corporation North Jersey Pipeline Public Awareness Plan* states a brochure titled, "Petroleum Pipelines in Your Community" has been sent to all stakeholder audiences. However, during the inspection, Hess stated that they mailed letters to stakeholders instead of mailing the brochure. The Hess procedures lacked the specific information on how Hess actually delivers its messages to stakeholder audiences.

5. §195.440 Public awareness.
(a) . . .
(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Hess's written continuing public education program, *Hess Corporation North Jersey Pipeline Public Awareness Plan*, was inadequate because it failed to follow the general program recommendations in Section 7.1(g) of API RP 1162 and assess the unique attributes and characteristics of its pipeline and facilities.

Section 7.1(g) of API RP 1162 states that the written program should include the program evaluation process, including the methodology to be used to perform the evaluation and analysis of the results and criteria for program improvement based on the results of the evaluation.

The *Hess Corporation North Jersey Pipeline Public Awareness Plan* had no detailed written process on how to determine whether the actions undertaken in implementation of API RP 1162 are achieving the intended goals and objectives, as mentioned in Section 8.4 of API RP 1162. Overall, the *Hess Corporation North Jersey Pipeline Public Awareness Plan* lacked procedures for conducting the effectiveness evaluation outlined in Section 8.4 of API RP 1162.

Section 11, Table 17 in the *Hess Corporation North Jersey Pipeline Public Awareness Plan* identified survey as an evaluation technique for evaluation of effectiveness of program implementation. Also, Appendix D contained survey forms for each stakeholder audience. However, the procedures did not contain any additional detail on survey methodology and had no information on what metrics/criteria/rational is used to determine if a modification to the baseline program and/or supplemental program enhancements are necessary.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b). If you do not respond within **30** days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

If, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within **90** days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that Hess maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to, as well as any correspondence relating to this Notice to: Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628. Please refer to **CPF 1-2014-6001M** on each document you submit, and please provide a (signed) copy in electronic format whenever possible. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original (signed) paper copy to the Eastern Region Office.

Sincerely,

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

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