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

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

WARNING LETTER

OVERNIGHT EXPRESS MAIL

February 10, 2012

Larry D. Wilson
President
Portland Pipeline Corporation
30 Hill Street
South Portland, ME 04106

CPF 1-2012-5004W

Dear Mr. Wilson:

From October 4 to 6, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Portland Pipeline Corporation's (Portland) Public Awareness Program in South Portland, Maine.

As a result of the inspection, it appears that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The item inspected and the probable violation is:

1. **195.440 Public Awareness**
   (a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (IBR, see § 195.3).

Portland's written continuing public education program, *PMPL Public Awareness Program*, did not follow all of the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (IBR, see § 195.3).

A. First, *PMPL Public Awareness Program* did not address API RP 1162, "Section 4 Message Content". There was no documented process for providing programs in both English and in other languages commonly used by significant concentration of non-English speaking population along the pipeline. This procedure should include, but is not limited to, information on what data will be evaluated to make the determination, the frequency of evaluation, and defining what the operator deems "significant number and concentration".

   During the inspection, a Portland representative provided records that demonstrated they have considered and looked at the populations of non-English speaking along the Portland pipeline. Portland has

reviewed census data by state, as well as the results of the API PAPERS Survey results for the Portland Pipeline and has records to demonstrate that they have examined this. However, Portland did not include this process in the *PMPL Public Awareness Program.*

B. Second, the *PMPL Public Awareness Program* did not address API RP 1162, "Section 4 Message Content: Section 4.3.4 Liaison with Emergency Officials". The *PMPL Public Awareness Program* did not describe the process used for relaying information to stakeholders on Portland's ongoing relationship with local emergency response officials to help prevent instance and assure preparedness for emergencies.

   Again, a Portland representative provided records that demonstrated that Portland was working and coordinating with emergency response officials, but Portland has not made stakeholders aware of the relationship that they have with emergency response officials.

C. Third, the *PMPL Public Awareness Program* did not address API RP 1162, "Section 4 Message Content: Section 4.6 Pipeline Location Information" in its entirety. The *PMPL Public Awareness Program* did not include information on the availability of the National Pipeline Mapping System (NPMS) in their public awareness materials sent to stakeholders. In addition, it was noted during the inspection that material provided to stakeholders illustrating pipeline markers were generic and not specific to Portland's markers.

D. Fourth, *the PMPL Public Awareness Program* did not address API RP 1162, "Section 4 Message Content: Section 4.11 Security". The *PMPL Public Awareness Program* did not have an overview pertaining to security of their pipelines and related facilities. There was no evidence that security was addressed in the Portland program or contained in the materials provided to stakeholders.

   Portland, however, did have documentation that showed that the information on security was going to be added to the new calendars that would be distributed and a Portland representative stated that this information would also be added to new brochures sent to stakeholders in 2011.

E. Finally, the *PMPL Public Awareness Program* did not address API RP 1162, "Section 4 Message Content: Section 4.12 Facility Purpose". The *PMPL Public Awareness Program* did not include an understanding of, or evidence of considering the inclusion of information on the nature of facilities or the general information regarding the facility and product stored or transported through the facility to all the stakeholders.

   For example, Portland has pump station facilities. Portland did not include consideration of these facilities in its *PMPL Public Awareness Program.* Another example, the information in the brochures that Portland mails to all affected and government or safety officials does not specify that the pipeline carries crude oil. In that brochure it states "how to recognize a pipeline leak" to look "for a dense white cloud or fog" or "dirt being blown into the air". These are not typically how one would recognize a crude oil pipeline leak.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed $100,000 for each violation for each day the violation persists up to a maximum of $1,000,000 for any related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the item(s) identified in this letter. Failure to do so will result in Portland Pipeline Corporation being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 1-2012-5004W.** Please send all correspondence in this matter to Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628. 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).

Sincerely,

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