



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

February 10, 2012

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

CPF 1-2012-5005M

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 the Portland Pipeline Corporation's (Portland) Public Awareness Program in South Portland, Maine.

On the basis of the inspection, PHMSA has identified the apparent inadequacy found within Portland's procedures, as described below:

1. §195.440 Public awareness

(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.

- A. Portland's written continuing public education program, *PMPL Public Awareness Program*, did not adequately describe the process in which periodic evaluation of the program implementation and effectiveness were conducted, in accordance with guidance provided in "Section 8 Program Evaluation" of API RP 1162. The *PMPL Public Awareness Program, Section 7*, provided general information but lacked the specific information such as, defining who will participate in the annual reviews and program evaluations, and what metrics/criteria/rationale are used to determine if a modification to the baseline program and/or supplemental program enhancements are necessary.
- B. Also, Portland's written continuing public education program, *PMPL Public Awareness Program*, did not sufficiently describe the criteria used to determine stakeholder notification areas, in accordance with guidance provided in "Section 3 Stakeholder Audiences" of API RP 1162. *Sections 5.2 Emergency Officials and 5.3 Local Public Officials* of the *PMPL Public Awareness Program*, failed to identify and define the buffer/area/boundary/extent of notification used for determining emergency officials and local public officials that should receive the program's message.

During the inspection, Portland representative indicated that a brochure (Petroleum Pipelines in your Community for government or safety officials) was sent annually and that Portland did face-to-face visits bi-annually with fire chiefs/departments that would respond to an incident. A Portland representative further stated that it used town boundaries to develop distribution lists for the brochures for these stakeholders. Notwithstanding the verbal explanation, the *PMPL Public Awareness Program* did not contain those details.

Furthermore, the *PMPL Public Awareness Program* merely states “Examples of Emergency Officials are Fire Departments, Police/Sheriff, Local Emergency Planning Committees, Emergency Management Agencies, Emergency response organizations, and other public safety organizations.” The *PMPL Public Awareness Program* did not provide a detailed list that may include: state police, mutual aid fire departments, 911 dispatch centers, etc.

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 **30** 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 Portland Pipeline Corporation 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 1-2012-5005M** 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 Coy, PE
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

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