



PORTLAND PIPE LINE CORPORATION
Safety, Environment, Customer, Community

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March 6th, 2012

Mr. Byron Coy, Jr. P.E.
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration
Eastern Region, Suite 306
820 Bear Tavern Road
W. Trenton NJ 08628

Subject: Notice of Amendment, CPF 1-2012-5005M, dated February 10, 2012
Submission of Written Responses and Request for Hearing

Dear Mr. Coy:

The purpose of this letter and the accompanying document is to provide written responses to the Pipeline and Hazardous Materials Safety Administration (PHMSA) to the above referenced Notice of Amendment (NOA). PHMSA issued the NOA pursuant to its October 4 to 6, 2011 inspection of Portland Pipe Line Corporation's (PPLC's) procedures for the Public Awareness Program (PAP). The NOA as issued to PPLC by PHMSA was dated February 10, 2012 and was received by PPLC on February 13, 2012. Accordingly, this response is timely.

We believe that both of the items raised by the NOA are addressed by our responses and planned actions provided in the attached document, and that both items can be resolved informally without resort to a hearing. However, if in its judgment PHMSA determines that our responses and planned actions do not resolve both items referenced in the NOA, we respectfully reserve our right to, and hereby request, a hearing on any items left unresolved. If in its judgment PHMSA determines that our response and planned action for an item have resolved the item, then we will withdraw the respective request for hearing.

To address each item raised in the NOA, PPLC's attached responses 1) present amendments that PPLC is committed to make to our PAP program and 2) provides clarifying information about PPLC's existing program that may not have been reviewed during the inspection.

If you have any questions about the response to the NOA or this request for hearing, or about these matters generally, please do not hesitate to contact Nick Payeur, Health, Safety, and Environmental Coordinator at (207) 767-0422.

Sincerely,

Larry D. Wilson

Enclosure

cc: D.E. Cyr, T.A. Hardison, N. D. Payeur, K.P. Brown, File EG 174



Detailed Responses to Notice of Amendment CPF 1-2012-5005M, dated February 10, 2012

Item 1A: §195.440(b)

PHMSA
 Comment

"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."

Discussion

PMPL's current procedures state in part: "The program will be reviewed annually. The process will be evaluated by reviewing the tracking lists and reports from the third party mailing distribution vendor. The effectiveness will be evaluated based on feedback from the landowners contact forms, discussions during the periodic ROW review meetings, business reply cards (BRCs) and follow up discussions when BRC's are used, and discussions by management when reviewing quarterly incident and IMP results."

PMPL's annual PAP review documentation presented to the inspectors named the participants involved in the annual program reviews conducted to date. PMPL explained in detail how the reviews were conducted and presented documentation showing the items evaluated in the third party vendors annual reports, the BRC card evaluations, the landowner contact reports and the quarterly incident trends analysis as currently described in PMPL's procedures. PMPL proposes to add clarifying detail in the PAP to list the parties involved in the annual PAP review and to list criteria for the evaluation as follows.

Proposed
 Amendment

PMPL proposes to amend its PAP Subject 007, Step 07.1 by adding the following:

7.1 Annual Review – Self Assessment

7.1.1 Scope of Annual Review

PMPL will conduct an annual review of the PAP to assess the current program's effectiveness in achieving the plan objectives and to provide information on implementation improvements. The final review will be presented to Senior Management and available for regulatory review.

7.1.2 Review Roles and Responsibilities

The DSEP is responsible for conducting the annual review and will facilitate an internal work group to conduct the review. The internal work group will be comprised of the DSEP, the person who maintains the ROW and landowner contact files, a field employee who conducts annual visits with fire officials, and an employee familiar with one-call activity on the system.

7.1.3 Annual Review Process and Criteria for Changes

Annual Review Process

The PAP implementation process will be evaluated by reviewing the PAP implementation tracking lists and the reports from the third party mailing distribution vendor.

The effectiveness of the PAP will be evaluated based on review of the reports from the third party mailing distribution vendor, feedback from the landowner contact forms, discussions of communication concerns identified during the periodic ROW review meetings, and discussions by management when reviewing quarterly incident and IMP results.

Criteria for changes:

- PAP Implementation process changes will be made if the PMPL work group review of the results recorded in the tracking lists identifies the plan is not being implemented as written.
- PAP Implementation process changes will be made if the PMPL work group review of the reports from the third party vendor identifies the plan is not being implemented as written.
- PAP Effectiveness will be evaluated by the PMPL work group using the results of third party vendor reports and comparing the current number of stakeholders identified with the previous report's stakeholder numbers to ensure consistency in identifying and reaching stakeholders. Variances of greater than 10% between reports will require a documented explanation and the plan will be revised as appropriate to address the results.
- PAP Effectiveness will be evaluated during PMPL's review of the landowner contact forms or review of the ROW reports. Should the review identify communication concerns with landowners, an investigation as to the underlying causation will be made by the PMPL work group and the plan revised as appropriate to address the concern.
- PAP Effectiveness will be evaluated by PMPL reviewing third party Loss Prevention System incident trends as identified in the quarterly incident and Piping Integrity Program (PIP) reports. The underlying incident or near loss incident reports will undergo further detailed analysis by the PMPL work group to identify if there are any PAP improvement opportunities.

Item 1B: §195.440(b)

PHMSA Comment	<p><i>"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.</i></p> <p><i>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.</i></p>
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Discussion	<p><i>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."</i></p> <p>PMPL's current procedures state in part:</p> <p><u>5.2.1 Emergency Officials</u></p> <p><u>5.2.1.1 Identify Stakeholder Audiences</u></p> <p>"Examples of Emergency Officials are Fire Departments, Police/ Sheriff, Local Emergency Planning Committees, Emergency Management Agencies, Emergency response organizations, and other public safety organizations.</p> <p>In the U.S., Emergency officials in communities in which PMPL operates have been identified using local knowledge of employees and longstanding relationships with the local community."</p> <p><u>5.3.1 Public Officials</u></p> <p><u>5.3.1.1 Identify Stakeholder Audiences</u></p> <p>"Public officials in communities in which PMPL operates have been identified by an outside vendor. The information is summarized in a database. Communication tools and documentation for use with public officials, such as Power Point Presentations, will be maintained by Business Services and the Montreal Administrative Assistant.</p> <p>Examples of public officials are Planning Boards, Zoning Boards, building Code Enforcement, Town/ City managers, public and government officials. The database will be updated prior to scheduled distribution activities."</p>
Proposed Amendment	<p>PMPL comments:</p> <p>Details of the emergency officials contacted are contained in the third party vendors reports, which list the emergency responders and 911 call centers contacted. These are summarized by SIC codes in the reports provided during the audit. The boundaries were presented in the third party vendor report as well and it was explained that the boundaries were developed based on PMPL's historical knowledge of the communities along the ROW and discussions with the third party vendor to benchmark boundaries with other pipelines.</p> <p>PMPL proposes to amend its PAP Subjects 5.2 and 5.3, Steps 5.2.1 and 5.3.1 to include the following:</p> <p>5.2.1 <u>Emergency Officials</u></p> <p><u>5.2.1.1 Identify Stakeholder Audiences</u></p> <p>Examples of Emergency Officials are Fire Departments/ Chiefs, Mutual Aid Fire Departments, Local Police/ Sheriff, State Police, 911 Dispatch Centers, Local Emergency Planning Committees, Emergency Management Agencies, Emergency response organizations, and other public safety organizations.</p>

In the U.S., emergency officials in communities in which PMPL operates have been identified using local knowledge of employees and longstanding relationships with the local community. Additionally, PMPL utilizes third party services to identify all appropriate Emergency Officials with jurisdiction along the ROW. Specifically, PMPL communicates with emergency officials along the ROW as follows:

Extent of Notification / Buffer Areas

- All emergency officials in the list of towns identified by PMPL in the "Fire, Police and Rescue Public Awareness Schedule" maintained by PMPL
- All emergency officials within a 10 mile total buffer, (5 miles either side) of the company asset.
- Sheriffs, LEPC's, CEMA's within the Asset County
- Emergency Agencies within State Capitals with State Jurisdiction.
- Emergency officials and one-call centers within the boundaries defined above with SIC codes of:
 - For emergency officials: 9221, 9224, 9229, 9711.
 - For one-call centers; 1623

The criteria used to determine these boundaries are as follows:

- PMPL has operated its system since 1941 and has developed knowledge of the public officials in the communities along the ROW over this time. These communities are recorded in the PMPL "Fire, Police and Rescue Public Awareness Schedule" and are the basis for communications.
- Additionally, based on PMPL knowledge of the location of communities adjacent to the ROW, a 10 mile buffer (5 miles either side) has been chosen to ensure capture of any other public officials along the ROW.
- In order to reach county officials, including 911 call centers, who may not be near the ROW, Sheriff's offices, LEPCs and EMA's are identified county wide.
- State capitals are set as a boundary to identify state based emergency officials who are not located in the county or near the pipeline.
- Boundaries will be benchmarked with other pipeline operators through the third party vendor resources.

5.3.1 Public Officials

5.3.1.1 Identify Stakeholder Audiences

Examples of Public Officials are Planning Boards, Zoning Boards, Building Code Enforcement, Town/ City Managers, Public and Government Officials. The database will be updated prior to scheduled distribution activities.

In the U.S., public officials in communities in which PMPL operates have been identified using local knowledge of employees and longstanding relationships with the local community. Additionally, PMPL utilizes third party services to identify all appropriate Public Officials along the ROW. Specifically, PMPL communicates with public officials along the ROW as follows:

Extent of Notification / Buffer Areas

- All Public Officials in the list of towns identified by PMPL in the "Fire, Police and Rescue Public Awareness Schedule" maintained by PMPL
- All Public Officials within a 10 mile total buffer, (5 miles either side) of the company asset.
- All Public Officials within the defined boundaries above with SIC codes of: 9111, 9121, 9511, 9512, 9531, 9532, 9611, 9621, 9631.

The criteria used to determine these boundaries is as follows:

- PMPL has operated its system since 1941 and has developed knowledge of the public officials in the communities along the ROW over this time. These communities are recorded in the PMPL "Fire, Police and Rescue Public Awareness Schedule" and are the basis for communications.
- Additionally, based on PMPL knowledge of the location of communities adjacent to the ROW, a 10 mile buffer (5 miles either side) has been chosen to ensure capture of any other public officials along the ROW.
- Boundaries will be benchmarked with other pipeline operators through the third party vendor resources.