



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

November 13, 2013

Mr. Thomas Meissner, SVP & COO
Granite State Gas Transmission, Inc.
6 Liberty Lane
Hampton, NH 03842

CPF 1-2013-1024M

Dear Mr. Meissner:

From August 9 to August 11, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected Granite State Gas Transmission, Inc.'s (Granite State) Public Awareness Program titled *Regional Public Awareness and Education Program for Gas Distribution and Transmission Pipelines, Revision B, April 2011 (Public Awareness and Education Program)*, in Hampton, New Hampshire.

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

1. §192.616 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.

Granite State's written continuing public education program, *Public Awareness and Education Program*, was inadequate because it failed to follow the general program recommendations in Sections 2.7 and 5.1.4 of API RP 1162 and assess the unique attributes and characteristics of the its pipeline and facilities. Specifically, the *Public Awareness and Education Program* did not have a detailed procedure for the implementation and management of bounce back cards (BBCs).

An inclusion of response cards (often referred to bounce back cards (BBCs) or business reply cards) can be used in a variety of ways, as prescribed in Section 5.1.4 of API RP 1162. Some ways that a response card could be used is for input, feedback, and/or comments. As such an operator should have an "[established] process for management of input/feedback/comments received", as stated in Section 2.7 under Step 8 of API RP 1162.

Granite State provides a form to those invited to the emergency responder, public official and excavator training sessions, conducted by a third party, to complete and return. However, the *Public Awareness and Education Program* did not have a written process for handling, reviewing or following up on these comment/feedback forms.

2. §192.616 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.

Granite State's written continuing public education program, *Public Awareness and Education Program*, 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 *Public Awareness and Education Program* did not describe the criteria used to determine stakeholder notification areas.

Section 3 of API RP 1162 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. In Appendix B of API RP 1162, under B.1.1 Affected Public, it states that "transmission pipeline operator should tailor its communication coverage area (buffer) fit its particular pipeline, location, and potential impact consequences."

The *Public Awareness and Education Program* lacked the information on how Granite State determined that the communication coverage area (buffer) fit its particular pipeline, location, and potential impact consequences for each stakeholders.

In addition, *Appendix C* of the *Public Awareness and Education Program* had a table that showed conditions that determines the need for supplemental activities, and conclusions. Based on this table, Granite State determined that it would do "an annual mailing to all within a 660 feet radius of [its] pipeline" in relation to the "High Consequence Areas." However, there are no details on whether the information should be sent to the property owner or current resident of the property, whether the resident should receive notification if the property is within 660 feet but the home is located outside the 660 feet.

3. §192.616 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.

Granite State's written continuing public education program, *Public Awareness and Education Program*, 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, Granite State's did not have a detailed written process for providing programs in both English and in other languages commonly used by 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."

The *Public Awareness and Education Program* did not contain a detailed process for providing programs in both English and in other languages commonly used by significant concentration of non-English speaking population along the pipeline. *Section 4.2* of *Public Awareness and Education Program* only states, "Include messages in non-English languages commonly understood by a significant number and concentration of populations in the operator's areas." There was no information on what data should be evaluated to make a determination, the frequency of evaluation, and defining "significant number and concentration."

4. §192.616 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.

Granite State written continuing public education program, *Public Awareness and Education Program*, was inadequate because it failed to follow the guidance in Section 4.10 of API RP 1162.

According to Section 4.10 of API RP 1162, “[p]ipeline maintenance-related construction activities should be communicated to the audience affected by the specific activity in a timely manner appropriate to the nature and extent of the activity.” The *Public Awareness and Education Program* did not have a detailed written process for communicating to the audience affected by specific pipeline maintenance-related construction activities.

5. §192.616 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.

Granite State’s written continuing education program, *Public Awareness and Education Program*, was inadequate because it failed to follow the general program recommendations in Sections 7.1(b) and (c) of API RP 1162 and assess the unique attributes and characteristics of its pipeline and facilities.

API RP 1162 Section 7.1 Program Documentation provides:

Each operator of a hazardous liquid pipeline system, natural gas transmission pipeline system, gathering pipeline system or a natural gas distribution pipeline system should establish (and periodically update) a written Public Awareness Program designed to cover all required components of the program described in this RP.

The written program should include:

a. . . .

b. A description of the roles and responsibilities of personnel administering the program.

c. Identification of Key personnel and their titles (including senior management responsible for the implementation, delivery and ongoing development of the program).

Section 3.3 titled Roles and Responsibilities of the Public Awareness and Education Program refers to *Appendix B*. The information in *Appendix B* was limited to names and titles/functional areas and did not define the roles and responsibilities for the individuals listed therein. There was no description of the roles and responsibilities of personnel administering the program in the *Public Awareness and Education Program*. In addition, the *Public Awareness and Education Program* did not specifically identify senior management responsible for the implementation, delivery and ongoing development of Granite State’s program.

6. §192.616 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.

Granite State written continuing public education program, *Public Awareness and Education Program*, 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 *Public Awareness and Education Program* lacked a detailed written process on how to determine whether the program has been developed and implemented according to API RP 1162, as mentioned in Section 8.3 of API RP 1162. Also, the *Public Awareness and Education Program* lacked a 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 *Public Awareness and Education Program* lacked procedures for conducting the evaluations as outlined in Section 8 of API RP 1162. Moreover, the *Public Awareness and Education Program* 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. And, the *Public Awareness and Education Program* did not mention who will participate in each evaluation.

7. §192.616 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.

Granite State's written continuing public education program, *Public Awareness and Education Program*, was inadequate because it failed to follow the general program recommendations in Section 8.4.2 of API RP 1162 and assess the unique attributes and characteristics of the its pipeline and facilities.

Section 8.4.2 of API RP 1162, specifies that an operator should pre-test public awareness materials for their appeal and the messages for their clarity, understandability and retain-ability before they are widely used.

The *Public Awareness and Education Program* did not have a detailed process or procedure for pre-testing public awareness materials in accordance with Section 8.4.2 of API RP 1162.

Response to this Notice

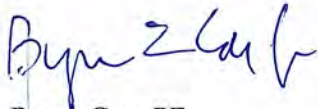
This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. Enclosed as part of this Notice is a document entitled Response Options for Pipeline Operators in Compliance Proceedings. Please refer to this document and note the response options. Be advised that all material you submit 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 Granite State 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 1-2013-1024M** 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,

A handwritten signature in blue ink that reads "Byron Coy".

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

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

CC: NH PUC – Mr. Randy Knepper