



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

July 24, 2013

Mr. Richard Fasette
Terminal Manager
International-Matex Tank Terminal - Pipeline
250 East 22nd Street
Bayonne, NJ 07002

CPF 1-2013-5014M

Dear Mr. Fasette:

On September 11-14, 2012, 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 the International-Matex Tank Terminal – Pipeline (IMTT) Public Awareness Program in Bayonne, New Jersey.

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

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 (incorporated by reference, see § 195.3).**

IMTT's written continuing public education program, *IMTT-Pipeline Public Awareness Plan, 3rd Revision: May 2012*, was inadequate because it failed to reference the API RP 1162 edition as seen in § 195.3. This does not ensure that the program was developed and implemented pursuant to API RP 1162, 1st edition, December 2003, as prescribed in §195.440(a).

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.**

IMTT's written continuing public education program, *IMTT-Pipeline Public Awareness Plan, 3rd Revision: May 2012*, was inadequate because it failed to follow the general program recommendations under API RP 1162 Section 8.4 Measuring Program Effectiveness and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Specifically, the *IMTT-Pipeline Public Awareness Plan* lacks the specific details on determining program effectiveness for each individual stakeholder audience (affected public, emergency officials, local public officials, and excavators), determining sample size appropriate to draw general conclusions, and defining metrics/criteria/rational 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 IMTT 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--5014M** 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*