



November 25, 2013

Mr. Byron Coy, PE
Director, Eastern Region
Pipeline Hazardous Materials Safety Administration
820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628

**RE: CPF 1-2013-5024M
Kiantone Pipeline Corporation**

Dear Mr. Coy:

This letter and attachments (on CD) is in response to inadequacies listed in the Notice of Amendment CPF 1-2013-5024M dated October 25, 2013 and received by Kiantone Pipeline Corporation (Kiantone) on October 28, 2013. Kiantone has addressed all inadequacies in the NOA. Specific actions taken for each inadequacy are detailed 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).

"Kiantone's written continuing public education program, Public Awareness Program, was inadequate because it did not contain an effective date and a way to track revisions made to the program to ensure that the program is current as well as updated, in accordance with API RP 1162."

Following the audit, Kiantone fully revised its Public Awareness Program to incorporate many items recommended during the inspection. Specifically, a "Last Date of Plan Revision" was added to the front page of the plan along with Appendix K, which provides a Record of Change. These changes are provided as Attachment 1.

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.

"Kiantone's written continuing public education program, Public Awareness Program, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 3 and assess the unique attributes and characteristics of its pipeline and facilities. Specifically, the Public Awareness Program did not describe the criteria used to determine stakeholder notification areas..."

Since the audit, Kiantone joined a pipeline collaborative mailing program performed with other pipelines through The Paradigm Alliance, Inc. (Paradigm.) The collaborative mailing program allowed Kiantone to better define its stakeholders utilizing pipeline shape files and selected buffers. This change was incorporated into Kiantone's written Public Awareness Program with a description provided as Attachment 2A (see "Expanded Collaborative Program.")

Also provided as Attachment 2B is the complete explanation of this program along with supporting documentation from Paradigm.

3. §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.

"Kiantone's written continuing public education program, Public Awareness Program, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 4.12 and assess the unique attributes and characteristics of its pipeline and facilities. Specifically, the Public Awareness Program did not describe a process for communicating general information regarding its facility, and product stored or transported through its facility, to all stakeholders..."

Kiantone provides information to the affected public through its collaborative mailing and supplemental mailings. A copy of the collaborative mailing is provided as Attachment 3A. To be certain the affected public had an understanding of the nature of nearby facilities, Kiantone also mailed letters with supplemental information to all affected public having or residing on property within 660ft of each facility (the same buffer used for the pipeline collaborative mailing). These mailings were specific for each of Kiantone's three facilities (West Seneca Terminal, Gowanda Booster Station, and Warren Tank Farm.) Examples of each are provided as Attachment 3B.

4. §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.

"Kiantone's written continuing public education program, Public Awareness Program, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 7.1(b) and (c), and assess the unique attributes and characteristics of its pipeline and facilities. Specifically, Public Awareness Program did not identify who is responsible for administering the written public awareness program..."

As noted during the inspection, the Regulatory Compliance Manager is responsible for administration of the written program. The corresponding Pipeline Managers are responsible for execution of the program as it applies to their pipeline. The Program Administration chapter of the Public Awareness Program has been updated to reflect this (see Attachment 4.) In addition, the defined key personnel and their responsibilities have also been updated.

5. §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.

"Kiantone's written continuing public education program, Public Awareness Program, was inadequate because it failed to follow the general program recommendations of API RP 1162 Section 7.1(g), and assess the unique attributes and characteristics of its pipeline and facilities. Section 7.1(g) states that the written program should include the program evaluation process, including 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 Program did not have a comprehensive written process on how to determine whether the actions undertaken in implementation of API RP 1162 are achieving the intended goals and objectives. The Public Awareness Program lacked procedures for the measures outlined in Section 8.4 of API RP 1162...

Now that Kiantone participates in the collaborative mailing program, additional Effectiveness Measurement Statistics are provided by Paradigm along with the mailing program summary (see Attachment 5A.) These statistics are generated through pre-tested surveys customized for each stakeholder category that are included with the mailings. The results of these surveys test for the following from Section 8.4 of API RP 1162:

1. Percentage of Each Intended Audience Reached with Desired Messages (8.4.1)
2. Understandability of the Content of the Message (8.4.2)
3. Desired Behaviors by the Intended Stakeholder Audience (8.4.3)

Kiantone then reviews and evaluates the results of Paradigm's surveys to determine whether changes are needed to its Public Awareness Program. Attachment 5B is Kiantone's review form for documenting this process and includes evaluation of any Public Awareness Program outreach seminars that may have been performed in addition to the collaborative mailing. Kiantone recently received results from this first collaborative mailing survey which will provide a baseline for future surveys.

In addition, to address Section 8.4.4 – Achieving Bottom Line Results of API RP 1162, Kiantone includes as part of its review, any incidents or near misses related to public awareness that have occurred on the pipeline and any immediate actions taken to address the incidents/near misses. The review is documented on page 4 of Attachment 5B and considers trends for incidents/near misses over several years to determine any meaningful trends since the frequency is low.

In addition to addressing the noted inadequacies from the inspection, Kiantone has also added more enhancement activities to further improve its efforts to achieve public awareness. These include:

- An additional mailed survey that was conducted with the landowners along the pipeline right-of-way since they are most directly affected by the pipeline activities. This survey offered gas card awards for two randomly selected winners from the list of people who completed and returned the survey. The gas card incentive proved effective in getting a large number of returned surveys.
- A large 811 advertisement painted on the side of the largest storage tank at Kiantone's West Seneca Terminal, which is located along a major highway interchange.
- Sponsorship to Dig Safely New York for hosting dig safe seminars with excavators in New York. These seminars have been well received and attended by the excavator community.

If you have any questions or comments, feel free to contact me at the above number.

Very truly yours,

UNITED REFINING COMPANY



Daniel Sobina
Regulatory Compliance Manager

Attachments (CD)

cc: Mr. Fred Martin, URC/Kiantone Pipeline Corporation
Mr. Kevin Speicher, NY DPS