



Toledo Refining Company LLC
1819 Woodville Road
Oregon, OH 43616-3159
419.698.6600

March 12, 2014

Via Certified Mail - Return Receipt Requested

Ms. Linda Daugherty
Director, Central Region
Department of Transportation
Pipeline and Hazardous Materials Safety Administration
901 Locust Street NE, Suite 462
Kansas City, MO 64106-2641

Re: Toledo Refining Company LLC Notice of Amendment, CPF 3-2014-5001M

Dear Ms. Daugherty:

A representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an inspection of Toledo Refining Company LLC's (TRC) Public Awareness Program (PAP) from August 21-22, 2012. PHMSA issued a Notice of Amendment, dated February 24, 2014 which was received by TRC on February 28, 2014. Please find enclosed Toledo Refining Company LLC's (TRC) response to the above-referenced Notice of Amendment (NOA) concerning TRC's Public Awareness Program (PAP) inspection. This response is being submitted to PHMSA within the required 30 day of receipt of the Notice.

TRC does not request a hearing for any of the items listed.

By submitting this response, TRC does not waive any right, privilege or objection that it may have in any separate or subsequent proceeding related in any way to the information provided in this response.

TRC appreciates the opportunity to learn from the findings of PHMSA's 2012 PAP inspection. TRC operates with the philosophy that with every inspection, whether internal or external, there is value in the exchange of information and within the dialogue between Inspectors and TRC and that this value can be utilized to drive continuous improvement to our processes.

Like PHMSA, TRC also strives to improve communications with all pipeline stakeholders and safeguarding the public safety. TRC is proud of their commitment to continuous improvement and trust that our enclosed response demonstrates that commitment. We believe this response is adequate to demonstrate compliance with both the letter and the spirit of safety regulations.

If you have any questions about the response to the NOA or about these matters in general, please do not hesitate to contact me at (419) 392-2530 or david.ellis@pbfenergy.com. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "David Ellis".

David Ellis
Logistics/Compliance Analyst
DOT Program Administrator
Toledo Refining Company, LLC

**Toledo Refining Company LLC - Public Awareness Program
Notice of Amendment
CPF 3-2014-5001M**

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).

Toledo's procedures are inadequate because its Public Awareness Plan does not include a management letter of support signed by senior management, in accordance with API RP 1162.

TRC Response: Section 2.5 of API RP 1162 speaks to Management Support and references Company Policy and Section 7.1(a) states, "The written program should include...a statement of management commitment to achieving effective public/community awareness". The RP does not explicitly spell out a requirement for a signed statement. At the time of the audit, TRC had an unsigned management support statement included with its Plan. Upon request, TRC had the statement signed by the refinery manager and provided it to the auditor.

As this item was called out in the LOA, a copy of the document is included in this response. Also, TRC will continue to include a signed management support statement in its plan. Since the time of the audit, we have had a change in leadership. David Huffman elected to leave the company; the current Refinery Manager is Clark Wrigley.
(See Attachment's A and B)

2. §195.440 Public Awareness

(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

2.1 Toledo's procedures are inadequate because its Public Awareness Plan does not include a written process for determining the statistical sample size and margin of error for the stakeholder audience, in accordance with API RP 1162.

TRC Response: Section 6.2.2 Measure 2 – Comprehension, of the TRC 2013 Public Awareness Plan, has been revised to include designated margin-of-error and percentage of accuracy targets.
(See Attachment G)

2.2 Toledo's procedures are inadequate because its Public Awareness Plan does not include a written process for documentation of its liaison relationships with the stakeholder audience and the sharing of capabilities with emergency officials, in accordance with API RP 1162.

TRC Response: The August 17, 2012 plan addresses documentation of its liaison relationships with the stakeholder audiences in Section 7.0, Recordkeeping (annual education meeting attendees list) and Section 5.0, Public Awareness Communications Methods, Messages, and Frequency. The sharing of capabilities with emergency officials is addressed in Section 5.2 (5), Annual Education Meetings.

In order to enhance the TRC Public Awareness Plan, Section 4.0 has been revised to reflect the requirement to document liaison contacts with stakeholder audiences, including joint drills and interactions with Mutual Aid Associations. These will be documented on

the Public Awareness Documentation Form and/or the ROW Contact Diary Form.
(See Attachment C)

- 2.3 *Toledo's procedures are inadequate because its Public Awareness Plan does not include, in accordance with API RP 1162, a written process for annual implementation review that documents: what was reviewed, what was considered for change, what was to be changed, when the changes are to be implemented, who is making the changes and when the changes are completed.*

TRC Response: TRC has revised Section 6.1 of its Public Awareness Plan to show an annual implementation review by the Public Awareness Committee, with meeting minutes used to document items to be reviewed, items identified for change, change justification, action items, action item tracking, due dates, responsibility for managing the items as well as the process for reviews needed prior to the annual timing.
(See Attachment D)

- 2.4 *Toledo's procedures are inadequate because its Public Awareness Plan does not include a written process to determine the number of individuals reached by stakeholder audience, in accordance with API RP 1162.*

TRC Response: TRC has amended Section 5.1 of its PAP to direct annual mailers be sent 1st class mail, only. Any 1st class undeliverable mail is required to be returned to sender, and will be used with other data to determine individual stakeholders, by audience, were reached. BRC's that go to affected members are used as survey components to help determine outreach, comprehension, audience actions and retention.
(See Attachment E)

- 2.5 *Toledo's procedures are inadequate because its Public Awareness Plan does not include a written process to determine the percentage of individuals actually reached by type of stakeholder audience, in accordance with API RP 1162.*

TRC Response: TRC has updated Section 6.1 Annual Review and Section 6.2.1, of its PAP to reflect the need to determine and document the percentage of individuals reached by stakeholder audience. This type of information is part of the work that may be provided by our 3rd Party Vendor, or may be compiled and calculated internally.
(See Attachment F for 6.1 and Attachment I for 6.2.1)

- 2.6 *Toledo's procedures are inadequate because its Public Awareness Plan does not include a written process to measure the percentage of stakeholders that understood and retained the message, by type of stakeholder audience, in accordance with API RP 1162.*

TRC Response: TRC has updated Section 6.2.2 Measure 2 – Comprehension and Section 6.2.3 Measure 3 – Audience Actions, of its PAP to reflect the need to determine and document the percentage of stakeholders that understand and retain the message, based on the data acquired for each appropriate section. This type of information is part of the work provided by our 3rd Party Vendor.
(See Attachment G)

- 2.7 *Toledo's procedures are inadequate because its Public Awareness Plan does not include a written process for the pretesting of materials when necessary and it does not have the level of testing that is necessary for making changes to the baseline message, accordance with API RP 1162.*

TRC Response: Section 6.2.2 of the TRC 2012 Public Awareness Plan shows the specific trigger for the need to do a pre-test (upon any major redesign). For the TRC 2013 Public Awareness Plan, this section has been updated to show the size of the pre-test audience, providing the level of testing needed.
(See Attachment J)

2.8 Toledo's procedures are inadequate because its Public Awareness Plan does not include, in accordance with API RP 1162, a written process for effectiveness evaluation that includes documentation of: what was reviewed, what was considered for change, what was to be changed, when changes are to be made, who is making the changes and when the changes are completed.

TRC Response: TRC has modified Section 6.2 to show the Effectiveness Evaluation will be on a tri-annual basis, who may perform the work and what type of documentation is to be captured. Section 6.2.4 was updated to show the review method for achievement of bottom-line results, when supplemental enhancements are needed and the process for documenting the review, action items and actions of responsible parties. The Effectiveness Evaluation may be performed using an industry accepted 3rd Party Vendor, with review oversight from the Public Awareness Committee.
(For Sect. 6.2 see Attachment K, for Sect. 6.2.4 see Attachment L)

3. §195.440 Public Awareness

(d) The operator's program must specifically include provisions to educate the public, appropriate government organizations and persons engaged in excavation related activities on:

3.1 Toledo's procedures are inadequate because its Public Awareness Plan does not include all of the baseline messages required by API RP 1162 to educate the public. Additionally, the baseline messages in the existing brochures are not adequate to properly educate the individual stakeholder audiences.

TRC Response: The TRC 2011 Annual Brochure was reviewed during the audit. The 2012 brochure was modified to include the following:

- **Pipeline Purpose and Reliability** - Pg. 2, Maintaining Safety and Integrity of pipelines; Pg. 3, Pipeline Purpose and Reliability;
- **Awareness of hazards and prevention measure undertaken** – Hazards, Pg. 11; Prevention Measures, Pg. 1
- **Damage Prevention Awareness** – Pg. 1, Call811; Pg. 2, Zoning & Property Development; Pg. 3, Right-of-Way; Pg. 4, “How Can I Help”.
- **One-Call Requirements** – Pg. 1, Call811; One-Call Center; Pg. 11, One-Call Listings
- **Leak Recognitions and Response** – Pg. 1, “How Would You Recognize a Pipeline Leak?”; Pg. 2, “What To Do in The Event a Leak Were to Occur”; “What Not to Do in the event a Leak Were to Occur”.
- **How to get Additional Information** – Pg. 2, “More detailed information about TRC's program may be obtained by contacting TRC at 419-698-6600.”; Pg. 3, “For questions concerning the pipeline or right-of-way or about future property improvements or excavations, contact TRC at 419-698-6600.”; Pg. 3 lists the PHMSA website address; Pg. 4, “TRC will make Emergency Spill Response Plan information available to Emergency Responders upon request.”; Pg. 10, Agency & Informational Web Sites
- **Availability of list of pipeline operators through NPMS** – Pg. 3, NPMS web site and description
- **Emergency Preparedness Communications** – Pg. 1, “What does Toledo Refining Company do if a leak occurs?”; Pg. 4, “Emergency Responder actions in a pipeline emergency”; Pg. 4, “TRC will make Emergency Spill Response Plan information available to Emergency Responders upon request.”
- **Potential Hazards** – Pg.11 Hazards

- **Pipeline Location Information and availability of NPMS** – Pg. 1, “How would you know where the pipeline is?”; Pg. 3, Right-of-Way; Pg. 3, “Transmission Pipeline Mapping”
- **Other requirements of the applicable One-Call center** – Pg. 1, “Call before you Dig. It’s Free and It’s the Law”

During the 2012 PAP Audit, the August 17, 2012 Public Awareness Plan and PAP Procedures were reviewed, along with the TRC 2011 Public Awareness Plan Brochure. Shortly following the audit, TRC implemented improvements to its plan, including the annual brochure. In 2011, the annual brochure was a multi-fold mailer, in one language. For the 2012 Brochure, security information was improved along with printing it in both English and Spanish. These brochures go to ALL stakeholder audiences, including Public Officials and Emergency Responders. (See Attachment H)

TRC believes that it’s Public Awareness Plan and PAP Procedures include all of the baseline messages required through API RP 1162. As a responsible Operator, TRC will continue to perform reviews of its PAP and implement any recommended changes that Public Awareness Committee deems appropriate to continually improve our process.

4. § 195.440 Public awareness.

(g) The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.

4.1 Toledo's procedures are inadequate because its Public Awareness Plan does not include a written process for the identification of additional languages including when periodic reviews should occur. The plan should also note why the operator is only using English for public officials and emergency officials.

TRC Response: TRC has modified Section 5.1 to now include the text “greater than 10% as per latest 10 year U.S. census or 5 year mid-cycle US census estimate, whichever is most current.” The program also indicates that TRC may choose to publish communications in Spanish, even though the determination method does not indicate it is needed. The 2012 and 2013 mailers included both English and a Spanish section. The bi-lingual annual brochure goes to Public Officials and Emergency responders as well as other Affected Stakeholders.

(See Attachments H & M)