

# **Public Awareness Enforcement Guidance**

## **Section 192.616**

### **INTRODUCTION**

The materials contained in this document consist of guidance, techniques, procedures and other information for internal use by the PHMSA pipeline safety enforcement staff. This guidance document describes the practices used by PHMSA pipeline safety investigators and other enforcement personnel in undertaking their compliance, inspection, and enforcement activities. This document is U.S. Government property and is to be used in conjunction with official duties.

The Federal pipeline safety regulations (49 CFR Parts 190-199) discussed in this guidance document contains legally binding requirements. This document is not a regulation and creates no new legal obligations. The regulation is controlling. The materials in this document are explanatory in nature and reflect PHMSA's current application of the regulations in effect at the time of the issuance of the guidance. In preparing an enforcement action alleging a probable violation, an allegation must always be based on the failure to take a required action (or taking a prohibited action) that is set forth directly in the language of the regulation. An allegation should never be drafted in a manner that says the operator "violated the guidance."

Nothing in this guidance document is intended to diminish or otherwise affect the authority of PHMSA to carry out its statutory, regulatory or other official functions or to commit PHMSA to taking any action that is subject to its discretion. Nothing in this document is intended to and does not create any legal or equitable right or benefit, substantive or procedural, enforceable at law by any person or organization against PHMSA, its personnel, State agencies or officers carrying out programs authorized under Federal law.

Decisions about specific investigations and enforcement cases are made according to the specific facts and circumstances at hand. Investigations and compliance determinations often require careful legal and technical analysis of complicated issues. Although this guidance document serves as a reference for the staff responsible for investigations and enforcement, no set of procedures or policies can replace the need for active and ongoing consultation with supervisors, colleagues, and the Office of Chief Counsel in enforcement matters.

Comments and suggestions for future changes and additions to this guidance document are invited and should be forwarded to your supervisor.

The materials in this guidance document may be modified or revoked without prior notice by PHMSA management.

# Glossary

For a complete “Glossary of Terms” please refer to the following link:

<http://www.phmsa.dot.gov/staticfiles/PHMSA/Pipeline/TQGlossary/Glossary.html>

<b>Enforcement Guidance</b>	Public Awareness Part 192
<b>Revision Date</b>	11/29/2013
<b>Code Section</b>	§192.616(a)
<b>Section Title</b>	
<b>Existing Code Language</b>	Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, 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 §192.7).
<b>Origin of Code</b>	Amdt. 192-100, 70 FR 28842, May 19, 2005
<b>Last Amendment</b>	Amdt. 192-100, 72 FR 70810, Dec. 13, 2007
<b>Interpretation Summaries</b>	
<b>Advisory Bulletin/Alert Notice Summaries</b>	
<b>Other Reference Material &amp; Source</b>	<b>API RP 1162 (1<sup>st</sup> edition, dated December 2003) – Section 2 Public Awareness Program Development: Section 2.3.1 Public Education; and Section 2.7 Program Development Guide. Also reference – Section 7 Program Documentation and Recordkeeping: Section 7.1 Program Documentation; Section 7.2 Recordkeeping; and Section 7.3 Record Retention.</b>
<b>Guidance Information</b>	<ol style="list-style-type: none"> <li>1. The regulation requires that pipeline operators develop and implement a written continuing public education program, and that it program follow the guidance provided in the API RP 1162.</li> <li>2. The sections of API RP 1162 noted above, provide recommendations on the development and implementation of the pipeline operator's written continuing education program.</li> <li>3. <b><i>In the Matter of Tampa Bay Pipeline Co., [2-2008-6002] (Final Order – April 26, 2010; Decision on Petition for Reconsideration-August 27, 2010)</i></b> PHMSA held that the operator violated § 195.404(a) because the operator failed to implement its public awareness program. Specifically, the operator failed to communicate annually with emergency personnel. CO.</li> <li>4. <b><i>In the Matter of Tesoro-High Plains Pipeline Company [3-2005-5006] (Final Order – January 11, 2006)</i></b> PHMSA held that operator violated § 195.404 because the operator failed to address the public, government officials, and emergency officials in its public awareness program. Stakeholders need to know how to recognize pipeline location markers, what kind of precautions they should take, what kind of properties the commodity being transported has and how to recognize and respond to a pipeline emergency. The operator contended that a change in ownership was the cause of the delay. However, it is critical that public education contacts are updated in a timely manner. In the event of a pipeline emergency, the public and government officials must be able to reach the correct operator of the system</li> </ol>

	<p>immediately. CP.</p> <p>5. <b><i>In the Matter of Mid-Valley Pipeline Company [3-2003-5022] (Final Order – January 3, 2006)</i></b> PHMSA held that the operator violated § 195.404 because the operator failed to address the public, government officials, and emergency officials in its public awareness program. The operator contended that it issued calendars to right-of-way owners each year. However, the operator could not demonstrate that this material met the requirements of the regulation. Stakeholders need to know how to recognize pipeline location markers, what kind of precautions they should take, what kind of properties the commodity being transported has and how to recognize and respond to a pipeline emergency. CP.</p>
<p><b>Examples of a Probable Violation or Inadequate Procedures</b></p>	<ol style="list-style-type: none"> <li>1. The operator did not develop or implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute’s (API) Recommended Practice (RP) 1162.</li> <li>2. The operator failed to implement – in its baseline message materials – a written continuing public education program that included emergency preparedness communications with emergency personnel and public officials.</li> <li>3. The operator failed to assess the effectiveness of its public awareness program every four years, in accordance with Section 8.4, “Measuring Program Effectiveness”, and Table 8.1-Summary of Baseline Evaluation Program of API RP 1162.</li> </ol> <p><i>Depending on the circumstances, some of the examples listed in this section may be inadequate plans and procedures, and not probable violations. Thus, the enforcement tool to address these issues would be a Notice of Amendment and not a Notice of Probable Violation or a Warning Letter. Section 3 of the Enforcement Procedures provides guidance on selecting the appropriate enforcement action.</i></p>
<p><b>Examples of Evidence</b></p>	<ol style="list-style-type: none"> <li>1. Copy of the operator's written Public Awareness Program.</li> <li>2. Documented conversations with the operator personnel</li> <li>3. Operator records</li> </ol>
<p><b>Other Special Notations</b></p>	

<b>Enforcement Guidance</b>	Public Awareness Part 192
<b>Revision Date</b>	11/29/2013
<b>Code Section</b>	§192.616(b)
<b>Section Title</b>	
<b>Existing Code Language</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.
<b>Origin of Code</b>	Amdt. 192-100, 70 FR 28842, May 19, 2005
<b>Last Amendment</b>	Amdt. 192-100, 72 FR 70810, Dec. 13, 2007
<b>Interpretation Summaries</b>	
<b>Advisory Bulletin/Alert Notice Summaries</b>	<b>Advisory Bulletin: ADB-02-05 Safety of Liquefied Petroleum Gas (LPG) Distribution Systems</b> PHMSA regulations at §192.616(b) and §192.616(j)(2) advised owners and operators of liquefied petroleum gas (LPG) distribution systems to consider the unique characteristics of LPG. This advisory bulletin reiterated that the regulations at §192.616(j) also require owners and operators of LPG distribution systems to provide public awareness messages to their customers – or to persons controlling the property – twice annually; and that the message required by §192.616(j)(4) must include, “How to recognize and respond to a leak” and to take action.
<b>Other Reference Material &amp; Source</b>	<b>API RP 1162 (1<sup>st</sup> edition, dated December 2003) – Section 2 Public Awareness Program Development: Section 2.6 Baseline and Supplemental Public Awareness Programs; Section 2.7 Program Development Guide; Section 2.8 Summary of Program Recommendations; Also reference – Section 4 Message Content: Section 4.3.1 Potential Hazardous of Products Transported; and – Section 6 Recommendations for Supplemental Enhancements of Baseline Public Awareness Program.</b>
<b>Guidance Information</b>	<ol style="list-style-type: none"> <li>1. The regulation requires that the operator's program follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline.</li> <li>2. The guidance provided in the sections of API RP 1162 noted above, indicate how a “one-size-fits-all” public awareness program across all pipeline systems would not be the most effective approach. Section 192.616(b) requires that an operator assess the unique attributes and characteristics of its pipeline in developing its public awareness program.</li> <li>3. <i>In the Matter of MarkWest Ranger Pipeline Company, LLC [2-2012-5007] (Corrected Final Order-April 18, 2013)</i> PHMSA held that the operator violated Section 195.440(b) by failing to assess the unique characteristics and attributes of its pipeline facilities in its continuing public awareness education program. In different years, the operator’s materials either contained general pipeline information or inaccurate information regarding the type of product transported. The materials sometimes included some characteristics of the relevant line, a highly volatile liquid pipeline, but it also comingled</li> </ol>

	<p>characteristics of other pipelines so that the reader would not know the characteristics of the specific product transported, and would not know what to do if a leak occurred.</p>
<p><b>Examples of a Probable Violation or Inadequate Procedures</b></p>	<ol style="list-style-type: none"> <li>1. The operator's program did not follow the general program recommendations of API RP 1162.</li> <li>2. The operator's program did not assess the unique attributes and characteristics of the operator's pipeline and facilities.</li> <li>3. The operator's program did not include an effectiveness evaluation process as recommended by Section 8.4, "Measuring Program Effectiveness," of API RP 1162.</li> </ol> <p><i>Depending on the circumstances, some of the examples listed in this section may be inadequate plans and procedures, and not probable violations. Thus, the enforcement tool to address these issues would be a Notice of Amendment and not a Notice of Probable Violation or a Warning Letter. Section 3 of the Enforcement Procedures provides guidance on selecting the appropriate enforcement action.</i></p>
<p><b>Examples of Evidence</b></p>	<ol style="list-style-type: none"> <li>1. Documents from the operator identifying the unique attributes and characteristics of its pipeline and facilities.</li> <li>2. Copy of the operator's written Public Awareness Program.</li> <li>3. Documented statements from operator personnel</li> <li>4. Operator Records</li> </ol>
<p><b>Other Special Notations</b></p>	

<b>Enforcement Guidance</b>	Public Awareness Part 192
<b>Revision Date</b>	11/29/2013
<b>Code Section</b>	§192.616(c)
<b>Section Title</b>	
<b>Existing Code Language</b>	The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 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.
<b>Origin of Code</b>	Amdt. 192-100, 70 FR 28842, May 19, 2005
<b>Last Amendment</b>	Amdt. 192-100, 72 FR 70810, Dec. 13, 2007
<b>Interpretation Summaries</b>	
<b>Advisory Bulletin/Alert Notice Summaries</b>	
<b>Other Reference Material &amp; Source</b>	<p><b>API RP 1162 (1<sup>st</sup> edition, dated December 2003) – Section 2 Public Awareness Program Development: Section 2.6 Baseline and Supplemental Public Awareness Programs. Also reference – Section 6 Recommendations for Supplemental Enhancements of Baseline Public Awareness Program.</b></p> <p><b>70 FR 28843: The preamble states the following:</b></p> <p><b>“Under this Rule, each operator is required to develop and implement a public awareness program consistent with guidance provided in API 1162. The operator’s program must include all applicable elements of API RP 1162 that are baseline, or the operator must document the rationale and justification for why those elements are not included in its program. The operator must also document consideration as to the supplemental elements of RP 1162 and provide the basis for program inclusion or exclusion of those elements.” 70 FR 28837 (May 19, 2005).</b></p>
<b>Guidance Information</b>	<ol style="list-style-type: none"> <li>1. The regulation requires operators to follow the general program recommendations, including baseline and supplemental requirements of API RP 1162.</li> <li>2. The sections of API RP 1162 cited above are part of the baseline and supplemental requirements. These sections recommend further “enhancements” to supplement the operator’s basic public awareness program.</li> <li>3. <b><i>In the Matter of Tampa Bay Pipeline Co., [2-2008-6002] (Final Order – April 26, 2010; Decision on Petition for Reconsideration-August 27, 2010)</i></b> PHMSA held that operator violated § 195.404(c) because the operator failed to follow the baseline and supplemental recommendations of API 1162. Specifically, the operator failed to include a minimum communication coverage area and the addresses of the affected stakeholders in its public awareness plan. CO.</li> </ol>

<b>Examples of a Probable Violation or Inadequate Procedures</b>	<ol style="list-style-type: none"> <li>1. The operator did not follow the general program recommendations, including baseline and supplemental requirements of API RP 1162.</li> <li>2. Where the operator did not follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, the operator has not provided justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice are not practicable and not necessary for safety.</li> <li>3. The operator did not maintain records of key program elements to demonstrate the level of implementation of its public awareness program.</li> <li>4. The operator did not follow the general program recommendations which include retaining records for each category – as required by API RP 1162 Section 7.2 – for a minimum of five (5) years, or as defined in the operator’s public awareness program, whichever is longer.</li> <li>5. The operator’s public awareness program did not specify the record retention period for each category – as required by API RP 1162 Section 7.2.</li> <li>6. The operator failed to complete an annual audit of its Public Awareness Program in accordance with API RP1162.</li> <li>7. The operator failed to have and follow a process for tracking and documenting the implementation of audit recommendations in accordance with API RP 1162.</li> <li>8. The operator did not follow the Public Awareness Program audit procedures pursuant to API RP 1162.</li> <li>9. The operator failed to track the implementation of audit recommendations.</li> <li>10. The operator failed to complete a timely baseline effectiveness evaluation in accordance with API RP 1162.</li> <li>11. The operator failed to adequately measure whether the Public Awareness Program’s audience understood and retained the key pipeline safety information in accordance with API RP 1162.</li> </ol> <p><i>Depending on the circumstances, some of the examples listed in this section may be inadequate plans and procedures, and not probable violations. Thus, the enforcement tool to address these issues would be a Notice of Amendment and not a Notice of Probable Violation or a Warning Letter. Section 3 of the Enforcement Procedures provides guidance on selecting the appropriate enforcement action.</i></p>
<b>Examples of Evidence</b>	<ol style="list-style-type: none"> <li>1. Copy of the operator's written Public Awareness Program.</li> <li>2. Documented statements from operator personnel</li> <li>3. Operator records</li> </ol>
<b>Other Special Notations</b>	



<b>Enforcement Guidance</b>	Public Awareness Part 192
<b>Revision Date</b>	11/29/2013
<b>Code Section</b>	§192.616(d)
<b>Section Title</b>	
<b>Existing Code Language</b>	<p>The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:</p> <ul style="list-style-type: none"> <li>(1) Use of a one-call notification system prior to excavation and other damage prevention activities;</li> <li>(2) Possible hazards associated with unintended releases from a gas pipeline facility;</li> <li>(3) Physical indications that such a release may have occurred;</li> <li>(4) Steps that should be taken for public safety in the event of a gas pipeline release; and</li> <li>(5) Procedures for reporting such an event.</li> </ul>
<b>Origin of Code</b>	Amdt. 192-100, 70 FR 28842, May 19, 2005
<b>Last Amendment</b>	Amdt. 192-100, 72 FR 70810, Dec. 13, 2007
<b>Interpretation Summaries</b>	
<b>Advisory Bulletin/Alert Notice Summaries</b>	<p><b>Advisory Bulletin: ADB-94-03 Pipelines in a Common Right-of-Way, Parallel Right-of-Way, or Cross a Railroad Right-of-Way.</b></p> <p>PHMSA regulations at §192.616(d)(1), specifically require that a pipeline operator include the use of one-call notification systems – prior to excavation and other damage prevention activities – as a provision in its public awareness program.</p>
<b>Other Reference Material &amp; Source</b>	<p><b>API RP 1162 (1<sup>st</sup> edition, dated December 2003) –Section 3 Stakeholder Audiences; Appendix B – Examples of Stakeholder Audiences; – Section 4 Message Content; Appendix C – Detailed Guidelines For Public Awareness Messages; and Table 2-1 – Summary Public Awareness Communications for Hazardous Liquids and Natural Gas Transmission Pipeline Operators.</b></p>
<b>Guidance Information</b>	<ol style="list-style-type: none"> <li>1. The regulation requires that an operator's program specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities.</li> <li>2. The sections of API RP 1162 noted above provide in-depth recommendations regarding the intended stakeholder audiences, as well as the content of the message(s) that should be delivered.</li> </ol>

<b>Examples of a Probable Violation or Inadequate Procedures</b>	<ol style="list-style-type: none"> <li>1. The operator’s program failed to have specific provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on the use of a one-call notification system prior to excavation and other damage prevention activities; or</li> <li>2. The operator failed to include specific provisions regarding the possible hazards associated with unintended releases from a gas pipeline facility; or</li> <li>3. The operator failed to include specific provisions regarding the physical indications that such a release may have occurred; or</li> <li>4. The operator failed to include specific provisions regarding the steps that should be taken for public safety in the event of a gas pipeline release; or</li> <li>5. The operator failed to include specific provisions regarding the procedures for reporting such an event.</li> <li>6. The operator failed to include specific provisions regarding the steps that should be taken for public safety in the event of a pipeline release.</li> <li>7. The operator failed to establish a continuing educational program to enable the public, appropriate government organizations, and persons engaged in excavations-related activities to recognize a natural gas and/or hazardous liquid pipeline.</li> </ol> <p><i>Depending on the circumstances, some of the examples listed in this section may be inadequate plans and procedures, and not probable violations. Thus, the enforcement tool to address these issues would be a Notice of Amendment and not a Notice of Probable Violation or a Warning Letter. Section 3 of the Enforcement Procedures provides guidance on selecting the appropriate enforcement action.</i></p>
<b>Examples of Evidence</b>	<ol style="list-style-type: none"> <li>1. Copy of the operator's written Public Awareness Program.</li> </ol>
<b>Other Special Notations</b>	

<b>Enforcement Guidance</b>	Public Awareness Part 192
<b>Revision Date</b>	11/29/2013
<b>Code Section</b>	§192.616(e)
<b>Section Title</b>	
<b>Existing Code Language</b>	The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.
<b>Origin of Code</b>	Amdt. 192-100, 70 FR 28842, May 19, 2005
<b>Last Amendment</b>	Amdt. 192-100, 72 FR 70810, Dec. 13, 2007
<b>Interpretation Summaries</b>	
<b>Advisory Bulletin/Alert Notice Summaries</b>	
<b>Other Reference Material &amp; Source</b>	<b>API RP 1162 (1<sup>st</sup> edition, dated December 2003) ) – Section 2 Message Content: Section 2.8 Summary of Program Recommendations; – Section 4 Message Content: Section 4.6 Pipeline Location Information; –Section 5 Message Delivery Methods and/or Media: Section 5.7 Pipeline Marker Signs; and Table 2-1 – Summary Public Awareness Communications for Hazardous Liquids and Natural Gas Transmission Pipeline Operators.</b>
<b>Guidance Information</b>	<ol style="list-style-type: none"> <li>1. The regulation requires that the pipeline operator’s program include activities to advise affected municipalities, school districts, businesses, and residents of its pipeline facility and it pipeline facility locations.</li> <li>2. The sections of API RP 1162 noted above provide guidance on the stakeholder audience, message types, and the frequency of message(s) to be delivered.</li> </ol>
<b>Examples of a Probable Violation or Inadequate Procedures</b>	<ol style="list-style-type: none"> <li>1. The program does not include activities to advise affected municipalities, school districts, businesses, and/or residents of pipeline facility locations.</li> <li>2. The operator failed to provide the necessary information regarding its pipelines and who to contact should an incident occur.</li> </ol> <p><i>Depending on the circumstances, some of the examples listed in this section may be inadequate plans and procedures, and not probable violations. Thus, the enforcement tool to address these issues would be a Notice of Amendment and not a Notice of Probable Violation or a Warning Letter. Section 3 of the Enforcement Procedures provides guidance on selecting the appropriate enforcement action.</i></p>
<b>Examples of Evidence</b>	<ol style="list-style-type: none"> <li>1. Copy of operator’s maps identifying pipeline facility locations.</li> <li>2. Identification of municipalities, school districts, businesses, and residents affected by the operator’s pipeline facilities.</li> <li>3. Copy of the operator’s written Public Awareness Program.</li> <li>4. Copies of the media used.</li> </ol>
<b>Other Special Notations</b>	

<b>Enforcement Guidance</b>	Public Awareness Part 192
<b>Revision Date</b>	11/29/2013
<b>Code Section</b>	§192.616(f)
<b>Section Title</b>	
<b>Existing Code Language</b>	The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas.
<b>Origin of Code</b>	Amdt. 192-100, 70 FR 28842, May 19, 2005
<b>Last Amendment</b>	Amdt. 192-100, 72 FR 70810, Dec. 13, 2007
<b>Interpretation Summaries</b>	
<b>Advisory Bulletin/Alert Notice Summaries</b>	
<b>Other Reference Material &amp; Source</b>	<b>API RP 1162 (1<sup>st</sup> edition, dated December 2003) – Section 2 Public Awareness Program Development: Section 2.2 Overview for Meeting Public Awareness Objectives; – Section 3 Stakeholder Audiences; and –Section 5 Message Delivery Methods and/or Media; Appendix D – Detailed Guidelines for Message Delivery Methods and/or Media; Table 2-1 – Summary Public Awareness Communications for Hazardous Liquids and Natural Gas Transmission Pipeline Operators; and Table 2-2 – Summary Public Awareness Communications for Local Natural Gas Distribution (LDC) Companies.</b>
<b>Guidance Information</b>	<ol style="list-style-type: none"> <li>1. The regulation requires that the pipeline operator’s public awareness program and the media used to communicate its public awareness program be as comprehensive as necessary to reach all areas in which the operator transports gas.</li> <li>2. The sections – and Appendix D – of API RP 1162 noted above indicate that not all methods [of message delivery] are effective in all situations. API RP 1162 recommends that an operator think “broadly” when developing its Public awareness program and choice of media, such that its program and chosen media reach all areas in which it transports gas.</li> </ol>
<b>Examples of a Probable Violation or Inadequate Procedures</b>	<ol style="list-style-type: none"> <li>1. The program and the media used are not comprehensive enough to reach all areas in which the operator transports gas.</li> </ol> <p><i>Depending on the circumstances, some of the examples listed in this section may be inadequate plans and procedures, and not probable violations. Thus, the enforcement tool to address these issues would be a Notice of Amendment and not a Notice of Probable Violation or a Warning Letter. Section 3 of the Enforcement Procedures provides guidance on selecting the appropriate enforcement action.</i></p>
<b>Examples of Evidence</b>	<ol style="list-style-type: none"> <li>1. Identification of all areas in which the operator transports gas.</li> <li>2. Copy of operator’s maps identifying pipeline facility locations.</li> <li>3. Copy of the operator's written Public Awareness Program.</li> <li>4. Copies of the media used.</li> </ol>

<b>Other Special Notations</b>	
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<b>Enforcement Guidance</b>	Public Awareness Part 192
<b>Revision Date</b>	11/29/2013
<b>Code Section</b>	§192.616(g)
<b>Section Title</b>	
<b>Existing Code Language</b>	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.
<b>Origin of Code</b>	Amdt. 192-100, 70 FR 28842, May 19, 2005
<b>Last Amendment</b>	Amdt. 192-100, 72 FR 70810, Dec. 13, 2007
<b>Interpretation Summaries</b>	
<b>Advisory Bulletin/Alert Notice Summaries</b>	
<b>Other Reference Material &amp; Source</b>	<b>API RP 1162 (1<sup>st</sup> edition, dated December 2003) – Section 2 Public Awareness Program Development: Section 2.3.1 Public Education. Also see – Section 4 Message Content; and Appendix C – Detailed Guidelines for Public Awareness Messages.</b>
<b>Guidance Information</b>	1. The regulation requires that the operator’s program be conducted in English and other languages commonly understood by a significant number of non-English speaking persons affected by its pipeline.
<b>Examples of a Probable Violation or Inadequate Procedures</b>	1. The program is not 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.  <i>Depending on the circumstances, some of the examples listed in this section may be inadequate plans and procedures, and not probable violations. Thus, the enforcement tool to address these issues would be a Notice of Amendment and not a Notice of Probable Violation or a Warning Letter. Section 3 of the Enforcement Procedures provides guidance on selecting the appropriate enforcement action.</i>
<b>Examples of Evidence</b>	1. Identification of the non-English language spoken in the operator's area (if applicable). 2. Identification of the location(s) of the non-English speaking population in the operator's area (if applicable). 3. Copy of operator’s maps identifying pipeline facility locations. 4. Copy of the operator's written Public Awareness Program. 5. Documented statements from operator personnel.
<b>Other Special Notations</b>	

<b>Enforcement Guidance</b>	Public Awareness Part 192
<b>Revision Date</b>	11/29/2013
<b>Code Section</b>	§192.616(h)
<b>Section Title</b>	
<b>Existing Code Language</b>	Operators in existence on June 20, 2005, must have completed their written programs no later than June 20, 2006. The operator of a master meter or petroleum gas system covered under paragraph (j) of this section must complete development of its written procedure by June 13, 2008. Upon request, operators must submit their completed programs to PHMSA or, in the case of an intrastate pipeline facility operator, the appropriate State agency.
<b>Origin of Code</b>	Amdt. 192-100, 70 FR 28842, May 19, 2005
<b>Last Amendment</b>	Amdt. 192-100, 72 FR 70810, Dec. 13, 2007
<b>Interpretation Summaries</b>	
<b>Advisory Bulletin/Alert Notice Summaries</b>	<p><b>Advisory Bulletin: ADB-06-02 Submission of Public Awareness Programs</b></p> <p>Owners and Operators of Gas and Hazardous Liquid Pipelines are required to complete a written public awareness program by June 20, 2006, [codified in the pipeline safety regulations at §192.616(h)]. Also, certain intrastate operators – with the exception of those operators that distribute gas through a master meter, or persons who distribute petroleum gas by pipeline as an incidental part of their primary business – must develop a public awareness program by June 20, 2006, and submit the written program to the PHMSA Public Awareness Program Clearinghouse by October 8, 2006 for review.</p> <p>Certain State pipeline safety agencies decided to conduct independent reviews of some intrastate operators’ public awareness programs. Thus, those operators were exempted from the centralized [PHMSA Public Awareness Program] review process, and were advised where to submit their programs for review by the October 8, 2006 deadline.</p> <p>This advisory bulletin advised operators that distribute gas through a master meter – or that distribute petroleum gas by pipeline as an incidental part of their primary business – not to submit their written public awareness program to the Public Awareness Program Clearinghouse. Lastly, this advisory bulletin extended the compliance time for certain very small petroleum gas and master meter operators so that an operator distributing petroleum gas to fewer than 25 customers – or distributing gas through a master meter to fewer than 25 customers – has until June 20, 2007 to prepare a [public awareness] program, [date extended to June 13, 2008 and codified in the pipeline safety regulations at §192.616(h)].</p>
<b>Other Reference Material &amp; Source</b>	<b>API RP 1162 (1<sup>st</sup> edition, dated December 2003) – 7 Program Documentation and Recordkeeping: Section 7.1 Program Documentation.</b>

<b>Guidance Information</b>	<ol style="list-style-type: none"> <li>1. The regulation requires that operators have completed their written programs no later than June 20, 2006, and, that master meter or petroleum gas system operators covered under paragraph (j) of this section have completed development of its written procedure by June 13, 2008.</li> <li>2. This regulation also requires that operators, upon request, must submit their completed programs to PHMSA or, in the case of an intrastate pipeline facility operator, the appropriate State agency.</li> <li>3. In reviewing recordkeeping requirements, the inspector is reminded to refer back to §192.616(c), which requires an operator to follow the general program recommendations of API 1162 including specific record retention requirements.</li> </ol>
<b>Examples of a Probable Violation or Inadequate Procedures</b>	<ol style="list-style-type: none"> <li>1. The operator was in existence on June 20, 2005, but did not complete its written programs by June 20, 2006.</li> <li>2. The operator of a master meter or petroleum gas system, covered under paragraph (j) of this section, did not complete the development of its written procedure by June 13, 2008.</li> <li>3. The operator was requested to, but did not submit its completed programs to PHMSA.</li> <li>4. The operator is an intrastate pipeline facility operator, and was requested to, but did not submit its completed programs the appropriate State agency.</li> <li>5. The operator failed to complete its first program effectiveness evaluation by the required deadline, in accordance with API RP 1162.</li> </ol> <p><i>Depending on the circumstances, some of the examples listed in this section may be inadequate plans and procedures, and not probable violations. Thus, the enforcement tool to address these issues would be a Notice of Amendment and not a Notice of Probable Violation or a Warning Letter. Section 3 of the Enforcement Procedures provides guidance on selecting the appropriate enforcement action.</i></p>
<b>Examples of Evidence</b>	<ol style="list-style-type: none"> <li>1. Copy of the operator's written Public Awareness Program.</li> </ol>
<b>Other Special Notations</b>	



<b>Enforcement Guidance</b>	Public Awareness Part 192
<b>Revision Date</b>	11/29/2013
<b>Code Section</b>	§192.616(i)
<b>Section Title</b>	
<b>Existing Code Language</b>	The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.
<b>Origin of Code</b>	Amdt. 192-100, 70 FR 28842, May 19, 2005
<b>Last Amendment</b>	Amdt. 192-100, 72 FR 70810, Dec. 13, 2007
<b>Interpretation Summaries</b>	
<b>Advisory Bulletin/Alert Notice Summaries</b>	
<b>Other Reference Material &amp; Source</b>	<b>API RP 1162 (1<sup>st</sup> edition, dated December 2003) – Section 7 Program Documentation and Recordkeeping; Section 7.1 Program Documentation; Section 7.2 Recordkeeping; Section 7.3 Record Retention; – Section 8 Program Evaluation; Appendix E – Additional Guidelines for Undertaking Evaluations and Table 8-1- Summary of Baseline Evaluation Program Documentation and Recordkeeping</b>
<b>Guidance Information</b>	<ol style="list-style-type: none"> <li>1. The regulation requires that the operator's program documentation and evaluation results be available for periodic review by appropriate regulatory agencies.</li> <li>2. The sections – and Appendix E – of API RP 1162 noted above recommend operators maintain records of key program elements, including all program evaluations; current – and expected – program evaluation results; and any follow-up actions taken by the pipeline operator to demonstrate the level of implementation of its public awareness program.</li> <li>3. In reviewing recordkeeping requirements, the inspector is reminded to refer back to §192.616(c) which requires an operator to follow the general program recommendations of API 1162 including specific record retention requirements.</li> </ol>
<b>Examples of a Probable Violation or Inadequate Procedures</b>	<ol style="list-style-type: none"> <li>1. The operator's program documentation and evaluation results are not available for periodic review by appropriate regulatory agencies.</li> <li>2. The operator did not maintain records of key program elements to demonstrate the level of evaluation of its public awareness program.</li> <li>3. The operator failed to follow the program recommendations of API RP 1162 to demonstrate that it had delivered the baseline message material for the affected public in accordance with recommendations listed in Table 2.3 of the API RP 1162.</li> </ol>

	<i>Depending on the circumstances, some of the examples listed in this section may be inadequate plans and procedures, and not probable violations. Thus, the enforcement tool to address these issues would be a Notice of Amendment and not a Notice of Probable Violation or a Warning Letter. Section 3 of the Enforcement Procedures provides guidance on selecting the appropriate enforcement action.</i>
<b>Examples of Evidence</b>	<ol style="list-style-type: none"> <li>1. Copy of the operator's written Public Awareness Program.</li> <li>2. Statements from operator personnel.</li> </ol>
<b>Other Special Notations</b>	

<b>Enforcement Guidance</b>	Public Awareness Part 192
<b>Revision Date</b>	11/29/2013
<b>Code Section</b>	§192.616(j)
<b>Section Title</b>	
<b>Existing Code Language</b>	<p>Unless the operator transports gas as a primary activity, the operator of a master meter or petroleum gas system is not required to develop a public awareness program as prescribed in paragraphs (a) through (g) of this section. Instead the operator must develop and implement a written procedure to provide its customers public awareness messages twice annually. If the master meter or petroleum gas system is located on property the operator does not control, the operator must provide similar messages twice annually to persons controlling the property. The public awareness message must include:</p> <ol style="list-style-type: none"> <li>1) A description of the purpose and reliability of the pipeline;</li> <li>2) An overview of the hazards of the pipeline and prevention measures used;</li> <li>3) Information about damage prevention;</li> <li>4) How to recognize and respond to a leak; and</li> <li>5) How to get additional information.</li> </ol>
<b>Origin of Code</b>	Amdt. 192-100, 70 FR 28842, May 19, 2005
<b>Last Amendment</b>	Amdt. 192-100, 72 FR 70810, Dec. 13, 2007
<b>Interpretation Summaries</b>	
<b>Advisory Bulletin/Alert Notice Summaries</b>	<p><b>Advisory Bulletin: ADB-02-05 Safety of Liquefied Petroleum Gas (LPG) Distribution Systems</b></p> <p>PHMSA regulations at §192.616(b) and §192.616(j)(2) advised owners and operators of liquefied petroleum gas (LPG) distribution systems to consider the unique characteristics of LPG. This advisory bulletin reiterated that the regulations at §192.616(j) also require owners and operators of LPG distribution systems to provide public awareness messages to their customers – or to persons controlling the property – twice annually; and that the message required by §192.616(j)(4) must include, “How to recognize and respond to a leak” and to take action.</p>
<b>Other Reference Material &amp; Source</b>	<p><b>API RP 1162 (1<sup>st</sup> edition, dated December 2003) – Section 2 Public Awareness Program Development: Section 2.8 Summary of Program Recommendations; Also see – Section 6 Recommendations for Supplemental Enhancements of Baseline Public Awareness Program: Section 6.4 Local Natural Gas Distribution Companies (LDCs); and Table 2-2 – Summary Public Awareness Communications for Local Natural Gas Distribution (LDC) Companies.</b></p>
<b>Guidance Information</b>	<ol style="list-style-type: none"> <li>1. The regulation does not require the operator of a master meter or petroleum gas system to develop a public awareness program as prescribed in paragraphs (a) through (g) of this section – unless the operator transports gas as a primary activity.</li> <li>2. Instead the regulation requires the operator of a master meter or petroleum gas system to develop and implement a written procedure to provide its customers public awareness messages twice annually; and if the master meter or petroleum gas system is located on property that the operator does not control, the operator</li> </ol>

	<p>must provide similar messages twice annually to persons controlling the property.</p> <p>3. The sections – and Table 2-2 – of API RP 1162 noted above recommend the operator’s intended audiences and type of message to deliver; as well as the frequency and delivery method and/or media for LDCs.</p>
<p><b>Examples of a Probable Violation or Inadequate Procedures</b></p>	<ol style="list-style-type: none"> <li>1. The operator (of a master meter or petroleum gas system) transports gas as a primary activity, but has not developed a public awareness program as prescribed in paragraphs (a) through (g) of this section.</li> <li>2. The operator (of a master meter or petroleum gas system) does not transport gas as a primary activity, and did not develop and implement a written procedure to provide its customers public awareness messages twice annually.</li> <li>3. The operator (of a master meter or petroleum gas system) is located on property the operator does not control, but the operator did not provide similar messages twice annually to persons controlling the property.</li> <li>4. The operator (of a master meter or petroleum gas system) did not provide (similar) public awareness message(s) as required by this regulation, and/or the (similar) message(s) provided by the operator did not meet the requirements of this regulation.</li> </ol> <p><i>Depending on the circumstances, some of the examples listed in this section may be inadequate plans and procedures, and not probable violations. Thus, the enforcement tool to address these issues would be a Notice of Amendment and not a Notice of Probable Violation or a Warning Letter. Section 3 of the Enforcement Procedures provides guidance on selecting the appropriate enforcement action.</i></p>
<p><b>Examples of Evidence</b></p>	<ol style="list-style-type: none"> <li>1. Documentation that the operator does/or does not operate a master meter or petroleum gas system covered under paragraph (j) of this section.</li> <li>2. Documentation that the operator does/or does not transport gas as a primary activity.</li> <li>3. Documentation from the operator (of a master meter or petroleum gas system) that its pipeline system is/or is not located on property it does not control.</li> <li>4. Copies of the (similar) message(s) provided by the operator that did not meet the requirements of this regulation.</li> <li>5. Copy of the operator's written Public Awareness Program.</li> </ol>
<p><b>Other Special Notations</b></p>	