

DEC 20 2011

Mr. Gary W. Pruessing
President
ExxonMobil Pipeline Company
800 Bell Street, Room 741D
Houston, TX 77002

Re: CPF No. 3-2010-5014

Dear Mr. Pruessing:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and assesses a civil penalty of \$26,200. This is to acknowledge receipt of payment of the full penalty amount, by wire transfer, dated December 17, 2010. This enforcement action is now closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. David Barrett, Director, Central Region, OPS
Mr. Alan Mayberry, Deputy Associate Administrator for Field Operations, OPS

CERTIFIED MAIL – RETURN RECEIPT REQUESTED [71791000164203015294]

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

)	
In the Matter of)	
)	
ExxonMobil Pipeline Company,)	CPF No. 3-2010-5014
)	
Respondent.)	
)	

FINAL ORDER

From July 12 to 15, 2010, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of ExxonMobil Pipeline Company (Exxon or Respondent) in Patoka, Illinois. The OPS inspection involved the Pegasus Pipeline, a 940-mile hazardous liquid pipeline system that transports crude oil from Patoka to Nederland, Texas.

As a result of the inspection, the Director, Central Region, OPS (Director), issued to Respondent, by letter dated November 24, 2010, a Notice of Probable Violation and Proposed Civil Penalty (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Exxon had violated 49 C.F.R. § 195.412(b) and proposed assessing a civil penalty of \$26,200 for the alleged violation.

Exxon did not submit a response to the Notice and paid the proposed civil penalty of \$26,200, as provided in 49 C.F.R. § 190.227. Payment of the penalty serves to close the case with prejudice to Respondent.

FINDING OF VIOLATION

Respondent did not contest the allegation in the Notice that it violated 49 C.F.R. Part 195, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 195.412(b), which states:

- § 195.412 Inspection of rights-of-way and crossings under navigable waters.**
- (a)

(b) Except for offshore pipelines, each operator shall, at intervals not exceeding 5 years, inspect each crossing under a navigable waterway to determine the condition of the crossing.

The Notice alleged that Respondent violated 49 C.F.R. § 195.412(b) by failing to inspect, at intervals not exceeding five years, each crossing under a navigable waterway to determine the condition of the crossing. Specifically, the Notice alleged that, according to Exxon's records, Respondent inspected the Pegasus Pipeline's Mississippi River crossing between Missouri and Illinois in December 2002, but that the company failed to perform another inspection by December 2007. Exxon did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 195.412(b) by failing to inspect, at intervals not exceeding 5 years, each crossing under a navigable waterway to determine the condition of the crossing.

The terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued