

**Before the
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety**

In the Matter of)	
)	
ExxonMobil Pipeline Company,)	CPF No. 1-2013-5008
)	Notice of Probable Violation
)	
Respondent.)	RESPONSE TO NOTICE OF PROBABLE VIOLATION

On June 20, 2013, the Associate Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA or the Agency), Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (NOPV) which included a Proposed Civil Penalty and Proposed Compliance Order, to the ExxonMobil Pipeline Company (EMPCo or the Company).¹ The NOPV contained two (2) alleged violations of the federal pipeline safety regulations, proposed a civil penalty of thirty seven thousand five hundred dollars (\$37,500), and proposed a Compliance Order outlining three (3) requested actions.

The NOPV was issued in response to PHMSA inspections that occurred from November 15 through November 18, 2011, of Massachusetts Pipeline Company's Springfield Terminal facility. Without admitting the allegations, facts or conclusions set forth in the NOPV, EMPCo seeks a Hearing on the violation alleged under Item 1 of the NOPV. In addition, Respondent respectfully requests that, given the information submitted in these pleadings, the Proposed Civil Penalty and the Proposed Compliance Order should be withdrawn.

Response to NOPV Item 1

NOPV Item 1: Failure to Inspect the Underside of a Pipeline Exposed to the Atmosphere Pursuant to 49 C.F.R. Part 195.583.

PHMSA alleges that EMPCo did not inspect a portion of pipeline that was exposed to the atmosphere for evidence of atmospheric corrosion within the prescribed time interval as required by 49 C.F.R. Part 195.583.

¹ Mobil Pipe Line Company is the registered owner and operator of Massachusetts Pipeline. EMPCo provides services to Mobil for the operation of the line pursuant to a written agreement between the parties.

EMPCo believes that there was a misunderstanding as to statements made during the PHMSA inspection regarding the atmospheric corrosion inspection performed by the Company in 2010 on the segment at issue. The Company did, in fact, inspect the aboveground pipeline segment referenced in the NOPV in 2010 to monitor for atmospheric corrosion in compliance with 49 C.F.R. Part 195.583, as set forth below.

EMPCo inspected the Springfield Terminal Pipeline System NE-02 for evidence of atmospheric corrosion on April 14, 2010, including the manifold piping segment that transports product to breakout tank 12 (the Segment). EMPCo Crew Leader/Corrosion Technician, Michael Moniz, performed the inspection. *See Exhibit 1 (Atmospheric Corrosion Inspection of NE-02 System prepared by Michael Moniz dated April 14, 2010); Exhibit 2, ¶ 5 (Affidavit of Michael Moniz dated July 19, 2013)*. The Segment is an approximately 100 foot section of pipe that runs above ground over an area of crushed gravel at the Terminal. Several pipe supports existed along the Segment at the time of the Company's 2010 inspection, and rock shield material was inserted between the pipe and pipe supports to reduce contact at several of those locations. *See Exhibit 1 (photo attachment of Segment taken during April 14, 2010 inspection); Exhibit 2, ¶ 7*. Because the Segment was sitting above (and not on) the crushed gravel at the time of the 2010 inspection, Mr. Moniz was able to visually inspect all sides of the Segment piping, including the underside of the pipe. *Id. at ¶ 8*. No gravel was touching the Segment, and Mr. Moniz did not have to remove any gravel to conduct his inspection. *Id.* At those few locations where pipe supports were located, Mr. Moniz paid particular attention to check for signs of atmospheric corrosion, as set forth in 49 C.F.R. Part 195.583(b). *Id.* No signs of atmospheric corrosion were observed. *Id. at ¶ 9*.

Mr. Moniz documented the results of the inspection on EMPCo Form PL-0750 (01-10), noting that (1) there was no corrosion observed; (2) the paint was in fair condition; and (3) "Pipes sitting on abrasive rock shield." *See Exhibit 1*. Without more explanation, the final notation in the inspection form may have caused the misunderstanding in the present case. The comment was made in reference to the presence of rock shield material between the pipe and pipe supports in several discrete locations. *See Exhibit 2, ¶ 9*.

During the inspection of the Springfield Terminal facility performed by PHMSA in November 2011, the Agency inspector observed that a portion of the Segment (approximately 6-8 feet) was in contact with crushed gravel. *NOPV, p. 2*. This was likely due to gradual shifting of the gravel subsequent to the Company's 2010 inspection. Within a week following the PHMSA 2011 inspection, the Company removed the crushed gravel so that the Segment was no longer in contact with the gravel and verified that no external corrosion was evident. The Company reconditioned the Segment piping in 2012, and Mr. Moniz performed a corrosion inspection of the Segment in April 2013, in accordance with the three year interval specified in 49 C.F.R. Part 195.583(a). *See Exhibit 2, ¶ 10*. No

corrosion was observed during that inspection, and the Segment was not in contact with gravel. See *Exhibit 2, ¶ 12; Exhibit 3 (Atmospheric Corrosion Inspection of NE-02 System prepared by Michael Moniz dated April 3, 2013); Exhibit 4 (June 25, 2013 photo of Segment)*.

For all of these reasons, EMPCo respectfully requests that Item 1 of the NOPV be withdrawn in its entirety.

Response to NOPV Item 2

NOPV Item 2: Failure to Complete DOT Form PHMSA F-7000-1.1 Accurately Pursuant to 40 C.F.R. Part 195.49.

PHMSA alleges that EMPCo failed to accurately complete DOT Form PHMSA F-7000-1.1 for the reporting year of 2010, by including its Hartford Spur pipeline, a 22 mile section of 6" diameter piping, which was abandoned in 1983.

As noted in the NOPV, EMPCo did not include the abandoned Hartford Line in its 2011 annual report submittal. The Company has therefore corrected the issue. Accordingly, the Company does not contest Item 2 of the NOPV, issued as a Warning Item.

Response to Proposed Civil Penalty

The NOPV proposes a civil penalty associated with Item 1 of the NOPV in the amount of \$37,500 (Item 2 of the NOPV is a Warning Item only, and has no associated proposed penalty). For the reasons noted in this Response and attached Exhibits, EMPCo respectfully requests that the Proposed Civil Penalty be withdrawn.

Response to Proposed Compliance Order

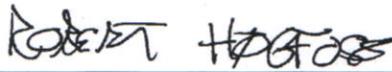
The NOPV proposes a Compliance Order that includes three items associated with Item 1 of the NOPV (Item 2 of the NOPV is a Warning Item Only, and has no associated Compliance Order items). As set forth above, the Segment was formally inspected in April 2010 and April 2013, in accordance with the requirements of 49 C.F.R. Part 195.583 (as well as informally checked in 2011 and 2012), and no evidence of corrosion has been noted. For these reasons, EMPCo respectfully requests that PHMSA withdraw the Proposed Compliance Order.

Summary

For all of the reasons identified above in this Response, and other matters as justice may require, the Company respectfully requests that PHMSA withdraw Item 1 of the NOPV. As evidenced by the attached documentation, the Company completed an atmospheric corrosion inspection of the entire Segment in 2010, including the underside of the piping, and also performed required inspection of the piping again in April 2013 –

as prescribed by 49 C.F.R. Part 195.583. No evidence of corrosion has been identified on the piping. Accordingly, the Company also requests that PHMSA withdraw the associated Proposed Civil Penalty and the Proposed Compliance Order associated with Item 1 of the NOPV. The Company does not contest Item 2 of the NOPV, issued as a Warning Item.

Respectfully submitted,



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Exhibits

1. EMPCo Form PL-0750 (01-10) - Atmospheric Corrosion Inspection of NE-02 System (April 14, 2010) (with photograph)
2. Affidavit of Michael Moniz (July 19, 2013)
3. EMPCo Form PL-0750 (01-10) - Atmospheric Corrosion Inspection of NE-02 System (April 3, 2013)
4. Line Segment Photograph (June 25, 2013)