

NOTICE OF AMENDMENT

OVERNIGHT EXPRESS DELIVERY

April 30, 2020

Thomas J. Nimbley
Chief Executive Officer
PBF Energy Inc.
1 Sylvan Way, 2nd Floor
Parsippany, NJ 07054

CPF 1-2020-5007M

Dear Mr. Nimbley:

From August 20 - 22, 2019 and September 24 - 27, 2019, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), performed an integrated inspection of Delaware Pipeline Company, LLC's (Delaware Pipeline) records and procedures at their terminal in New Castle, Delaware.

On the basis of the inspection, PHMSA has identified the apparent inadequacy found within Delaware's plans or procedures, as described below:

1. **§ 195.402 Procedural manual for operations, maintenance, and emergencies.**
 - (a) ...
 - (c) **Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:**
 - (1) ...
 - (3) **Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.**

Delaware Pipeline's written procedures were inadequate. Specifically, Delaware Pipeline's CV-005(B) *Internal Corrosion Control Program and Procedures*, dated 12/17/18 (Internal Corrosion Procedures), failed to adequately stipulate the requirements of § 195.555.

Section 195.555 states:

You must require and verify that supervisors maintain a thorough knowledge of that portion of the corrosion control procedures established under § 195.402(c)(3) for which they are responsible for insuring compliance.

During the inspection, a PHMSA inspector reviewed the Internal Corrosion Procedures. Section 2.1 of the Internal Corrosion Procedures stated in part: “Supervisors may be registered professional engineers, or persons recognized as corrosion specialist or cathodic protection specialist by NACE, and/or their professional activities include suitable experience in corrosion control.” The Internal Corrosion Procedure used the term “suitable experience” to present an alternative requirement, but the term was ambiguous and not defined.

Thus, Delaware Pipeline failed to prepare an adequate manual of written procedures as required by § 195.402, because the term “suitable experience” was not defined in its Internal Corrosion Procedures as it pertain to § 195.555.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Enforcement Proceedings*. Please refer to this document and note the response options. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under §190.211. If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that Delaware Pipeline Company, LLC maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Robert Burrough, Director, PHMSA Eastern Region, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. Please refer to **CPF 1-2020-5007M** on each document you submit, and whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to robert.burrough@dot.gov. Larger files should be sent on USB flash drive accompanied by the original paper copy to the Eastern

Region Office.

Additionally, if you choose to respond to this (or any other case), please ensure that any response letter pertains solely to one CPF case number.

Sincerely,

Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

CC: Jim Fedena, Sr VP, Logistics (via email)
Thomas McLane, Director, Logistics Regulatory Compliance (via email)

Enclosure: *Response Options for Pipeline Operators in Enforcement Proceedings*