

April 27, 2016

Mr. Gerald S. Frey
President
ExxonMobil Pipeline Company
P.O. Box 2220
Houston, Texas 77252-2220

Re: CPF No. 4-2014-5020

Dear Mr. Frey:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and finds that ExxonMobil Pipeline Company (EMPCo) has completed the actions specified in the Notice to comply with the pipeline safety regulations. Therefore, this case 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. R.M. Seeley, Director, Southwest Region, OPS
Ms. Karen Tyrone, Vice President and Operations Manager, EMPCo, 800 Bell Street,
Room #691H, Houston Texas 77002
Mr. Jim B. Rose, Manager, Safety Health and Environment, EMPCo, 800 Bell Street,
Room #603B, Houston, Texas 77002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**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 Co.,)
a subsidiary of ExxonMobil,)

Respondent.)
_____)

CPF No. 4-2014-5020

FINAL ORDER

On May 5-8, 2014, pursuant to 49 U.S.C. § 60117, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the procedures and records of ExxonMobil Pipeline Co. (EMPCo or Respondent) for the Pasadena Station Control Management Program in Pasadena, Texas. EMPCo transports over 2.7 million barrels per day of crude oil, refined products, liquefied petroleum gases, natural gas liquids and chemical feedstocks through 8,000 miles of operated pipeline.¹

As a result of the inspection, the Director, Southwest Region, OPS (Director), issued to Respondent, by letter dated September 9, 2014, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that EMPCo had violated 49 C.F.R. § 195.446(h)(2) and proposed ordering Respondent to take certain measures to correct the alleged violation.

EMPCo responded to the Notice by letter dated October 17, 2014 (Response). The company did not admit or deny the allegations of violation. It also did not request a hearing and, therefore, has waived its right to one.

¹ ExxonMobil Pipeline Co. website, available at <http://www.exxonmobilpipeline.com/USA-English/EMPCo/default.aspx> (last accessed March 8, 2016).

FINDING OF VIOLATION

The Notice alleged that Respondent violated 49 C.F.R. Part 195, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 195.446(h)(2), which states:

§ 195.446 Control room management.

(a) (h) *Training.* Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator. In addition, the training program must include the following elements:

(1)

(2) Use of a computerized simulator or non-computerized (tabletop) method for training controllers to recognize abnormal operating conditions....

The Notice alleged that Respondent violated 49 C.F.R. § 195.446(h)(2) by failing to establish a controller training program that includes the use of a computerized simulator or tabletop method for training controllers to recognize abnormal operating conditions. Specifically, the Notice alleged that EMPCo failed to conduct simulator or tabletop exercises when it trained Pasadena Station Operator controllers on how to recognize and respond to abnormal operating conditions. During the inspection, PHMSA found no records of a simulator or tabletop exercise being provided to controllers at the Pasadena Station facility for training, and EMPCo representatives had no recollection of such during their trainings.²

In its Response, EMPCo did not admit or deny the allegations of violation. It stated that the Pasadena Station Operators receive training on how to recognize and respond to abnormal operating conditions during their initial on-the-job training and during supervisor reviews.³ However, EMPCo acknowledged that the training was not structured to include a simulator or formal tabletop.⁴ EMPCo agreed to train its Pasadena Station Operators, and relief operators, on a simulator by December 16, 2014.⁵

Accordingly, after considering all of the evidence, I find that Respondent violated 49 C.F.R. § 195.446(h)(2) by failing to establish a controller training program that includes the use of a computerized simulator or tabletop method for training controllers to recognize abnormal operating conditions. This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

² Notice of Probable Violation and Proposed Compliance Order, at 2.

³ Response, at 2.

⁴ *Id.*

⁵ *Id.*

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Item 1 in the Notice for violation of 49 C.F.R. § 195.446(h)(2). Under 49 U.S.C. § 60118(a), each person who engages in the transportation of hazardous liquids or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. The Director has indicated that Respondent has taken the following actions specified in the proposed Compliance Order:

1. With respect to the violation of 49 C.F.R. § 195.446(h)(2) (**Item 1**), EMPCo has agreed to train its Pasadena Station Operators on a simulator located at EMPCo's Operations Control Center by December 16, 2014. A copy of the program and documentation on that training was completed for the Pasadena Station Operator controllers and submitted to the PHMSA Southwest Region.

Accordingly, I find that compliance has been achieved with respect to this violation. Therefore, the compliance terms proposed in the Notice are not included in this Order. 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