

January 25, 2024

Mr. Robert Burrough
Director, Eastern Region, Office of Pipeline Safety
U.S. Department of Transportation
Pipeline and Hazardous Material Safety Administration
840 Bear Tavern Road
Suite 300
West Trenton, NJ 08628

RE: Docket: CPF 1-2023-061-NOA

Dear Mr. Burrough,

Delaware Pipeline Company LLC (DPC) received PHMSA's Notice of Amendment (NOA) dated December 26, 2023, Docket CPF 1-2023-061-NOA, as a result of the field inspection audit performed from March 28, 2023 to March 29, 2023. DPC is submitting this response with proposed draft revisions to its operation and maintenance procedures to address the three alleged inadequacies outlined in the NOA.

Below are the alleged inadequacies identified by the Notice of Amendment followed by DPC's response or procedural update:

Item 1

NOA States: During the inspection, PHMSA reviewed DPC's Delaware Response Zone Procedure, regarding the specific emergencies considered as part of the company's response plan. Pages 2-3 of said procedures state in part: "These emergencies are discussed in the order listed below: Spill, Fire and /or Explosion, Medical Emergency / Personal Injury, Natural Disaster / Severe Weather, Security-Related Incidents, Evacuations". The listed emergencies were noted in DPC's Delaware Response Zone Procedures; however, the procedures did not include provisions to adequately address operational failure causing a hazardous condition, as required by 195.402(e)(2).

Therefore, DPC's written procedures were inadequate to demonstrate compliance with 195.402(e)(2). DPC must revise its emergency procedures to address operational failures causing hazardous conditions.

DPC's Response to Item 1

Since the audit, DPC has completely updated the Delaware DOT Compliance Manual and incorporated PHMSA's comment regarding operational failure that causes a hazardous condition. The specific language as it applies to "Operational Failure causing a Hazardous Condition" has been incorporated into Section 195.402(e)(2) of the PBF Energy Liquid Operation and Maintenance manual dated December 2023. It now reads:

Revised Procedure for 195.402(e)(2): Prompt and Effective Response to a Notice of Emergency

"In Case of a Leak, Line Spill or Operational Failure causing a Hazardous Condition:

- Initiate Emergency Response Plan;
- Initiate immediate procedures to stop flow and/or commodity escape from the line;
- Determine the extent of the area affected;
- Shut off all sources of ignition in the danger area;
- Evacuate persons from danger area;
- Prevent the entry or re-entry of persons into the danger area. Do not allow attempts to remove livestock or equipment from the danger area if it would be hazardous to individuals making the attempt or if operation of the equipment would provide an ignition source or otherwise be hazardous;
- Initiate procedures to confine the spill;
- Before repairs to the pipeline are begun, the area shall be gas or vapor free (as determined by combustible and/or toxic gas indicator). The use of an auxiliary blower may be in order;
- Fire protection equipment shall be positioned and attended; and
- In some instances, it may be necessary to make temporary repairs to stop the commodity escape from the line before the area can be made gas or vapor free. Personnel entering the hazardous area to make such repairs shall wear approved personal and/or respiratory protective equipment as necessary."

Item 2

NOA States: During the inspection, PHMSA reviewed DPC's Pipeline and Tank Maintenance Procedures regarding DPC's Procedure on security of facilities pursuant to 195.436. The procedure stated in part: "Each pump station, breakout tank and other exposed facility shall be provided with protection from vandalism and unauthorized entry. As a minimum, pump stations and breakout tanks shall be provided with appropriate fencing"; however, the term "appropriate fencing": was not defined.

Therefore, DPC's written procedures were inadequate because they failed to provide sufficient details on the process(es) that demonstrate compliance with 195.402(a) as it pertains to 195.436. DPC must revise its written procedures to address what constitutes appropriate fencing.

DPC's Response to Item 2

Since the audit, DPC has completely updated the Delaware DOT Compliance Manual and incorporated PHMSA's comment "Security of Facilities". The specific language as it applies to fencing specifications has been incorporated into Section 195.436 of the PBF Energy Liquid Operation and Maintenance manual dated December 2023. It now reads:

Revised Procedure for 195.436:

"Security of Facilities: Each pump station, breakout tank and other exposed facility shall be provided with protection from vandalism and unauthorized entry. As a minimum, pump stations and breakout tanks shall be provided with appropriate fencing allowed by local codes/permits. However, when no restrictions are imposed, and fencing is used for security, 8' high chain-linked fencing with barbed wire should be used to prevent unauthorized access.

It is the responsibility of the Operations Manager or his designee to ensure that adequate facility security is maintained based on vandalism risk. Each facility's security measures shall be reviewed periodically by the Operations Manager or his designee to ensure the adequacy of the security for each facility. In most cases, locks and / or seals will be placed on valves, gates, tanks, etc., which appear to be located in a vandalism risk area. In most cases this can be accomplished by utilizing line riding inspections."

Item 3

NOA States: During the inspection, PHMSA reviewed DPC's System Operating Manual regarding the company's procedures pertinent to 195.402(c)(13). Section 1.3 of said manual described annual review of the company's operating manual and stated the company's intention to comply with 195.402(c)(13); however, the manual failed to provide sufficient details of the process used for determining the effectiveness of procedures that are utilized in normal operation and maintenance. DPC then provided its DOT Compliance Manual, CV-011, Training, Section 1.6.2 (Training Manual); however, that manual described evaluation of employees' knowledge and understanding of the procedure but failed to provide sufficient details on the process(es) that will facilitate compliance with the requirements of 195.402(c)(13).

DPC's Response to Item 3

Since the audit, DPC has completely updated the Delaware DOT Compliance Manual and incorporated PHMSA's comment regarding the annual review procedures of the manual. The specific language as it applies to the annual review process has been incorporated into Section 195.402(c)(13) of the PBF Energy Liquid Operation and Maintenance manual dated December 2023. It now reads:

Revised Procedure for 195.403(c)(13):

"Pipeline operators are required to periodically review work performed by operator personnel to determine effectiveness of the procedures used in normal operations and maintenance and to take corrective action where deficiencies are found.

Once per calendar year, not to exceed 15 months, Operations shall conduct a group review meeting and document accordingly on either the DOT 195 & Annual Review Form, or the Company Safety Meeting Minutes Form. The latter form should be used when the DOT Annual Review is held in conjunction with a Safety Meeting. Supervisors will review the various routine normal operations and maintenance work and related procedures conducted during the prior year and discuss any items that may require further explanation. If possible, deficiencies are identified, PBF Energy will review the recommendations and if appropriate, effect corrective actions. Such actions could include a change in procedures, training, and/or individual employee counseling/training.

Once per calendar year, not to exceed 15 months, the Area Supervisors shall require and verify that Supervisors/Team Leads maintain a thorough knowledge of the procedures for normal and abnormal operations and maintenance. This will be documented on the Supervisor Compliance Statement, PL Form 2475."

Should you have any questions concerning the updated procedures, please don't hesitate to contact me at 281-602-4224 or email at Thomas.mclane@pbfenergy.com. If these changes meet with PHMSA's approval, a notice that this matter has been resolved should be sent to my address.

Respectfully,



Thomas J. McLane
Director, Regulatory Compliance

Cc: Jim Fedena, Senior Vice President, Logistics