Toledo Refining Company

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March 13, 2024

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

Re: Toledo Refining Company LLC Notice of Probable Violation Response to CPF 1-2024-004-NOPV

Director Burrough:

Toledo Refining Company LLC (TRC) has received the Notice of Probable Violation (NOPV), referenced above, issued by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), on February 15th, 2024. PHMSA conducted an on-site inspection of TRC's control room management procedures and records of its Woodville Pipeline Control Room in Toledo, Ohio from July 25 to July 29th, 2022. TRC is writing to respond to the NOPV.

TRC appreciates the opportunity to learn from the findings of PHMSA's inspection. TRC operates with the philosophy that with every inspection, whether internal or external, there is value in the exchange of information and within the dialogue between Inspectors and TRC and that this "value" can be utilized to drive continuous improvement to our processes. We make every effort to ensure compliance with the pipeline safety regulations, and do not take any inspection report or citation lightly. We seek to learn from the inspection reports and implement changes to prevent incidents.

By submitting this response to this NOPV, TRC does not waive any right, privilege or objection that it may have in any separate or subsequent proceeding related in any way to the information provided in this response.

<u>Item No. #1</u>

<u>1. 49 CFR 195.446 (e)(4)</u> *Control Room Management*

TRC failed to follow its written control room management procedures. Specifically, TRC failed to its Control Room Management Plan (CRM Plan), Section 6.5 Alarm Management Plan Review in reviewing its alarm management plan to determine its effectiveness. Section 195.446(e)(4) requires that TRC "[r]eview the alarm management plan required by this paragraph at least once each calendar year, but at intervals not exceeding 15 months, to determine the effectiveness of the plan."

TRC's CRM Plan, Section 6.5 reflects 195.446(e)(4) requirements and requires a review of its alarm management plan each year, but at intervals not exceeding 15 months to determine the effectiveness of the plan. This review was required to be recorded on Form 195.446(e)(4) per the CRM Plan.

During the inspection, TRC was asked to produce records demonstrating that its alarm management plan was reviewed from 2020 to 2021. TRC produced documentation that indicated its plan was reviewed on May 20, 2019 but was unable to produce any records for 2020 and 2021.

Therefore, TRC failed to follow its written control room management procedures in order to ensure the alarm management plan was reviewed in compliance with§ 195.446(e)(4) during 2020 and 2021.

Response to Item No. 1:

TRC does not dispute this probable violation, and has promptly made the corrections as described below. TRC appreciates PHMSA's decision not to take additional enforcement action in connection with Item 3.

TRC has worked with the Advanced Process Controls Group (APC) of TRC to establish a scheduled review of Section 6.5 of the CRM. Upon completion, TRC will meet the requirement to review and document the Alarm Management Plan at least once each calendar year not to exceed 15 months, to determine the effectiveness of the plan. The APC Manager or designee will meet with the DOT Compliance Coordinator (DCC) to review the plan and document it on the F-1 95.402(a) DOT Documentation Review & Change Request form. TRC APC Manager and DCC will review the on line monitoring program for Control Room Alarm Management tool known as "PlantSafe" (see attached screen shot NOPV 1B). This online software monitors the Alarm Input to each controller and control room 24-7 and can be used to review Alarm Conditions and perform trend analysis to applied to Alarm Management Review. All documentation will be maintained for 5 years by the DCC unless otherwise noted.

The DCC for TRC has updated Section 6.5 of the TRC CRM to reflect these changes (see Attachment 1: NOPV 1C CRM). The changes will be documented further by using TRC e-M OC Management of Change to document the changes listed here and include a roster of all affected personnel.

Item No. #2

2. 49 CFR 195.446(e)(5) Control Room Management.

TRC failed to follow its written control room management procedures. Specifically, TRC failed to follow its [CRM Plan], Section 6.6 Operator Activity Monitoring (195.446(e)(5) regarding monitoring the content and volume of general activity being directed to and required of each operator to ensure operators have sufficient time to analyze and react to incoming alarms. Section 195.446(e)(5) requires that TRC "[m]onitor the content and volume of general activity being directed to and required of each controller at least once each calendar year, but at intervals not exceeding 15 months . . . ." TRC's CRM Plan, Section 6.6 reflects 195.446(e)(5) requirements and requires the general activity review to be performed each calendar year, but at intervals not exceeding 15 months.

During the inspection, TRC was asked to produce records for 2019 to 2022 indicating that they monitored the content and volume of general activity being directed to and required of each controller at least once each calendar year but at intervals not exceeding 15 months, to ensure that its controllers have sufficient time to analyze and react to incoming alarms. TRC did not produce any records to validate that the study had been conducted in 2019, 2020, 2021, or 2022.

Therefore, TRC failed to follow its written control room procedures pursuant to compliance with CFR 49 195.446(e)(5) from 2019 to 2022.

<u>Response to Item No. 2:</u>

TRC does not dispute this probable violation, and has made the corrections as described below.

The DCC for TRC has updated Section 6.6 (Operator Activity Monitoring) of the TRC CRM to reflect these changes (see <u>Attachment 2:</u> NOPV 2A). The changes will be documented further by using TRC e-MOC Management of Change to document these changes and include a roster of all affected personnel. Records of these reviews will be kept by the TRC DCC for 5 years.

<u>Item No. #3</u>

3. 195.446(h)(6) Control Room Management

TRC failed to complete Team training with individuals other than controllers who could reasonably be expected to operationally collaborate with controllers during normal, abnormal or emergency situations by the compliance deadline of January 23, 2018. Specifically, TRC failed to provide documentation establishing they complied with the team training requirements in 195.446(h)(6) by January 23, 2018.

During the inspection, PHMSA requested records showing that TRC had conducted team training before January 23, 2018. The records provided demonstrated that a tabletop training exercise was conducted in October 2020. No other records documenting team training and exercises were submitted.

Therefore, TRC failed to comply with the team training deadline of January 23, 2018, required by 195.446(h)(6).

<u>Response to Item No. 3:</u>

TRC does not dispute this probable violation, and has promptly made the corrections as described below, including conducting a review the training requirements in 2023. TRC appreciates PHMSA's decision not to take additional enforcement action in connection with Item 3.

TRC has worked with the APC Group, and Plant Protection Group which handles TRC Emergency Response actions for TRC to develop and conduct an annual team training exercise that includes both controllers and other individuals, defined by the operator, who would reasonably be expected to operationally collaborate with controllers (control room personnel) during normal, abnormal or emergency situations at TRC. This effort produced a Team Training in 2023 (see Attachment 3A: TRC ERT Drill Plan 2023 and Attachment 3B: 7-11-2023 Drill Evaluation Sheet).

TRC will continue to schedule this training each CY not to exceed 15 months. All documentation will be maintained for 5 years unless otherwise noted by the DCC for compliance with this section.

Warning Items

With respect to Items 1 and 3, we have reviewed the violations listed in CPF 1-2024-004- NOPV. With our Mitigation plans listed above Item 1 will have a review performed in CY 2024 to establish a review required every CY not to exceed 15 months going forward. The TRC CRM section 6.5 has been submitted to PHMSA with our response. Item 3 already has been moving forward and we will complete documentation as advised and revise TRC Control Room Management Manual Section 9 to show these changes. This will ensure future compliance with TRC Control Room Management Plan related to 49 CFR 195.466 sections documented in the NOPV.

Proposed Compliance Order

With respect to Item 2, an annual review required by this section will be scheduled during CY 2024 upon receipt of the PHMSA Final Order in accordance with the Proposed Compliance Order listed in this NOPV pertaining to monitoring the content and volume of general activity being directed to and required of each controller. TRC will conduct a study of the content and volume of general activity being directed to and required of each controller that will ensure that controllers have sufficient time to analyze and react to incoming alarms for calendar year 2024 within 180 days of receipt of the Final Order. TRC will provide a copy of the workload study to Robert Burrough, Director, Eastern Region, PHMSA within 30 days of completion of the study.

Please know that PHMSA has our full attention and cooperation. TRC is proud of its commitment to continuous improvement and trust that our enclosed response demonstrates that commitment. We believe this response will demonstrate our desire to be in full compliance with both the letter and the spirit of safety regulations.
Thank you for your consideration, and we look forward to working with PHMSA to ensure safe operation of our pipelines. If you have any questions about the response, then please do not hesitate to contact me.

Best regards,

Gregory M Thomas

Sr. Coordinator DOT Compliance Coordinator Toledo Refining Company LLC

Enclosures

Cc: Mike Gudgeon, Refinery Manager, TRC
Debra Overton, Business Team Lead, TRC
Dane Holbrook, Assistant General Counsel, PBF Holding Company LLC