



August 22, 2023

Derick Turner
for
James A. Urisko
Director, Southern Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
230 Peachtree Street NE, Suite 2100
Atlanta, GA 30303

RE: CPF 2-2023-002-NOPV
(39352) Genesis Pipeline USA, LP (Genesis)
Response to alleged NOPVs and Proposed Compliance Order, July 28, 2023

Dear Mr. Turner:

From July 19, 2021, through July 23, 2021, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) inspected the Genesis Offshore Holdings, LLC pipeline systems, including the written operations and maintenance (O&M) procedures, records, and associated programs.

As a result of the inspection, it is alleged that Genesis committed a probable violation of the Pipeline Safety Regulations, Title 49, and Code of Federal Regulations (CFR). After considering the Director's comments in the Proposed Compliance Order, Genesis elects to provide additional supporting documentation to address the Director's concerns.

Concerning the Compliance Order, Page 2, Items 1 and 2, the NOPV items referenced in the final order are:

Item 1, 49 CFR 195.440, Public Awareness, (b) The operator's program must follow the general program recommendations of API 1162 and assess the unique attributes and characteristics of the operator's pipeline facilities.

The Proposed Compliance Order alleges Genesis failed to meet the regulation because it did not assess its unique facility attributes and characteristics in its public awareness program baseline message brochures provided to the affected public.

At the time of the inspection, the baseline message brochures provided to the affected public contained one booklet and one leaflet. The booklet contained a section titled "How to recognize a pipeline leak." The referenced section described how to recognize pipeline leaks using "sight, sound, and smell" for natural gas, hazardous volatile liquids (HVLs), and hazardous liquids. The only statement regarding hazardous liquids in the referenced section was: "Hazardous liquids produce a strong sheen or film standing on a body of water." Additionally, the leaflet described "Products Transported in Your Area" and

specified "Hazardous Liquids [Such as Crude Oil, Diesel Fuel, Jet Fuel, Gasoline, and other Refined Products] and Natural Gas."

Item 1 - Response

The Genesis Public Awareness program is a collaborative program (by Paradigm) that develops its brochures in compliance with 49 CFR 195.440. The Genesis Public Awareness Plan addresses unique attributes in Section 8.2.6 Brochure Development as prescribed by API RP 1162 (Exhibit A). The collaborative program identifies many differing attributes of the Genesis-operated pipeline products. In the affected public brochure, the mailout provides the reader with information on identifying a leak through sight, sound, and smell. The brochure also provides information on what to do and not to do.

These brochures provide additional details on the Genesis products transported; Hazardous Liquids and Natural Gas. The information includes the product characteristics unique to Natural Gas, Crude Oil, Diesel Fuel, Jet Fuel, Gasoline, and other refined products. Please refer to Exhibits B & C.

"Signs of a Pipeline Leak:

Using your sense of sight, sound, and smell will help you recognize a potential leak. Here is what to look for:

Sight

Liquid pool, continuous bubbling in wet or flooded areas, an oily sheen on the water surfaces, vaporous fogs or blowing dirt around a pipeline area, dead or discolored plants in an otherwise healthy area of vegetation, or frozen ground in warm weather are all signs of a potential pipeline leak. Vapor and "ground frosting" may be visible at high temperatures, and there could be flames near the hole in the ground.

Sound

Volume can range from a quiet hissing to a loud roar depending on the size of the leak and pipeline system.

Smell

An unusual smell, petroleum or hydrocarbon odor, or gaseous odor will sometimes accompany pipeline leaks. Some are colorless, tasteless, or odorous unless commercial odorants or Mercaptan is added.

Refer to the Operators specific page included with this booklet relating to the products transported in your area."

Item 2, 49 CFR 195.52, Immediate notice of certain accidents.

The Proposed Compliance Order alleges Genesis failed to notify the National Response Center within 48 hours after the confirmed discovery of an accident to the extent practicable; an operator must revise or confirm its initial telephonic notice required in paragraph (b) of this section with a revised estimate of the amount of product released, location of the failure, time of the failure, a revised estimate of the number of fatalities and injuries, and all other significant facts that are known by the operator that are relevant to the cause of the accident or extent of the damages. If there are no changes or revisions to the initial report, the operator must confirm the estimates in its initial report (Accident Report No. 20180201-30758) and (Accident Report No. 20180357-32116).

Item 2 – Response

Genesis recognizes that the 48-hour reporting criteria updating the initial National Response Center (NRC) notifications should have been included. Since the incidents (Accident Report No. 20180201-30758) and (Accident Report No. 20180357-32116), Genesis has modified many areas in the organization's policies and procedures.

For example:

- a. In Genesis Liquids OM Manual, Section 1009 pertains to proper notification of a pipeline accident. Please refer to paragraph 9.6, specifically 9.6.3 and 9.6.4, under Notification of a Potential Rupture; Genesis shall make the appropriate notifications and other verifications during a National Response Center (NRC) notification. The Genesis HSSE Spill Reporting Hotline (713-470-1131, Staffed by Forefront) will make the Genesis NRC notifications and update the required 48 hours after initial notification.
- b. The Genesis Liquids OM Manual also references the 48-hour requirement in paragraph 9.9, covering the supplemental telephonic notice that includes both State and Federal agencies (within 48 hours). Genesis has provided a copy of the entire Liquids OM Manual (Section 1009) covering this topic. Please refer to Exhibit D.
- c. A copy of the Genesis HSSE reporting procedure 10.02 is available in Exhibit E, demonstrating the company policies and information sharing flow process.
- d. The Genesis spill plans reference the same reporting criteria and is available upon request. Due to the size of the Genesis HSSE spill plans, Genesis is limited to sending the document electronically. Should PHMSA like to review the Genesis spill plan, a meeting can be scheduled at a future date to review these documents.

Genesis Referenced Materials & Attachments for Items 1 and 2

The following exhibits are provided to support Items 1 and 2. The attached exhibits demonstrate the Proposed Compliance Order, Items 1 and 2.

Exhibit A – Genesis Public Awareness Plan, Section 8.2.6, Brochure Development.

Exhibit B – Affected Public Brochure.

Exhibit C – Operator Profile - Affected Public.

Exhibit D – Genesis Liquids OM, Section 1009.

Exhibit E – Genesis HSSE Reporting Procedure, 10.02

Genesis procedures referenced herein are included in this plan of correction. Additional information can be made available to PHMSA upon request. We appreciate the opportunity to work with the Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding the safe operation of our pipelines.

If PHMSA has any questions or comments, please contact me at 713-860-2542 or by email at Jeff.Gifford@genlp.com.

Sincerely,



Jeffrey W. Gifford
Vice President, HSSE