



December 12, 2023

Mr. Bryan J. Lethcoe
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety
8701 S. Gessner Road, Suite 630
Houston, Texas 77074

Via Email: bryan.letthcoe@dot.gov

Re: CPF No. 4-2020-5007; ExxonMobil Fuels and Lubricants Company ("Respondent")

Dear Mr. Lethcoe:

This letter presents Respondent's request for a stay of one of the requirements found within the Compliance Order issued in the referenced case. Below, Respondent reviews recent developments in the case, then discusses the timeliness of this request and demonstrates good cause for the grant of a stay. The procedural history of this case is summarized in that certain letter from the undersigned to your office dated August 29, 2023.

This request for stay of the Compliance Order is directed to Item 1 and implementation of Respondent's development plan of December 2, 2019.

By letter dated August 29, 2023, Respondent requested an extension of time to fulfill Compliance Order Item 1 and the implementation of Respondent's development plan, and specifically requested, for good cause shown, that the January 1, 2025, commissioning date be extended to not later than March 31, 2025. By letter dated September 6, 2023, your office granted Respondent's request for extension and stated that "PHMSA has no objection to ExxonMobil's request for an extension of the commissioning date for the tankage contemplated in the development plan to March 31, 2025."

Thereafter, the parties met on October 13, 2023, to discuss the progress of PHMSA's analysis related to the potential applicability of § 195.1(b)(8) as interpreted by PHMSA. In this meeting, you accepted Respondent's previous offer to prepare a White Paper which would provide the Region with the factual, legal and regulatory bases supporting Respondent's position. Respondent has since commenced the collection of information and documentation, performed extensive research, as well as commenced drafting of the White Paper. Respondent has conducted several meetings and has scheduled several future meetings which necessitate travel and coordination with several third parties. Respondent anticipates that completion of the White Paper will extend over the next several weeks and, potentially, months. Beyond the time Respondent needs to complete the White Paper, Respondent anticipates that the Region will need a reasonable amount of time to complete its internal review of the White Paper. Additional discussion could become necessary as a result of the Region's review.

Based upon the foregoing, Respondent respectfully requests that PHMSA stay the Compliance Order as to Item 1, not to be lifted upon less than 45 days written notice to Respondent, thereby allowing the





parties sufficient time to prepare, review, and discuss the White Paper. Absent a stay, the parties likely would expend unnecessary time and effort to coordinate future extensions of the deadline for Compliance Order Item 1. Respondent believes that the issuance of a stay is the most efficient means to address the timing uncertainty related to the White Paper and resolution of the path forward for this case. Respondent adds that this request is timely in that the existing compliance deadline is approximately 15 months in the future.

Should the Region reject issuance of a stay, please consider this letter to be a request for a 180-day extension to the deadline for Compliance Order Item 1, i.e., until September 30, 2025.

Please advise if you need further information in this regard. We would greatly appreciate notice, by December 26, 2023, of whether a stay, or in the alternative an extension, will be granted.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V. Murchison', with a long horizontal flourish extending to the right.

Vince Murchison
Counsel for Respondent

cc: Kelsey Gagnon (kelsey.gagnon@dot.gov)
Ian Curry (Ian.Curry@DOT.gov)
Stephen Foster (stephen.r.foster@exxonmobil.com)
Roina Baker (Roina.Baker@pipelinelegal.com)