



SENT VIA ELECTRONIC MAIL – RETURN RECEIPT REQUESTED

July 8, 2021

Mary L. McDaniel - Director, Southwest Region
Office of Pipeline Safety, PHMSA
8701 South Gessner Road Suite 630, Houston, Texas 77074

Re: ExxonMobil Pipeline Company Response to CPF 4-2021-017-NOA

Dear Ms. McDaniel:

ExxonMobil Pipeline Company ("EMPCo"), submits its written comments below in response to the above-captioned Notice of Amendment ("NOA") pursuant to 49 C.F.R. § 190.206 (the "Written Response"). The NOA was issued by the Pipeline and Hazardous Materials Safety Administration ("PHMSA") and received by EMPCo on April 27, 2021. The NOA relates to alleged inadequacies of EMPCo's plans and procedures for its hazardous liquid pipeline systems located in Texas, Louisiana, and the Gulf of Mexico as a result of an inspection that occurred from September 14, 2020, through October 30, 2020.

EMPCo requested an extension of time to respond to the NOA via email dated May 24, 2021. By email dated May 26, 2021, PHMSA granted an extension of the response deadline to July 11, 2021. This Written Response is therefore timely.

EMPCo strives to maintain compliance with all regulations. Allegations of inadequate plans or procedures are taken very seriously. In this Written Response, EMPCo is providing a narrative explanation of its position and, where necessary, its proposed changes to its plans and procedures, in order to address the issues raised in the NOA. PHMSA's allegations appear in bolded text, with EMPCo's narrative response to each immediately following.

Item 1 - ExxonMobil's written Operations and Maintenance manual titled, *DOT Liquids Manual, (Revision October 16, 2019) Section 195.54 Accident Reports*, is inadequate because it does not include the 30-day requirement to file a supplemental report after changes have been identified as required by §195.54.

ExxonMobil must amend its written procedure to require that whenever an operator receives any changes in the information reported to the original report on DOT Form 7000-1, the operator shall file a supplemental report within 30 days.

EMPCo Response – EMPCo has updated its procedure in the DOT Liquids Manual, Section 195.54(b) Accident Reports, to include additional language to file a supplemental report within 30 days. An excerpt from the DOT Liquids Manual, Section 195.54(b) - Accident Reports, is attached hereto as Exhibit A, with the additional language highlighted.

Item 2 - ExxonMobil's written procedure *Facilities Inspection and Maintenance Management System, Cathodic Protection Program (Revision 16.0 dated 9/29/2020)* is inadequate because it does not include guidance to correct identified deficiencies in its corrosion control or provide a timeframe for making those corrections to its cathodic protection system.

ExxonMobil must amend its written procedure to include detailed guidance on correcting identified deficiencies in corrosion control as required by § 195.401(b). ExxonMobil must also provide a timeframe for when it should correct all identified corrosion control deficiencies to ensure the adequacy of corrosion control protection, including an appropriate timeframe for repairing or replacing test lead stations and test lead wires when they are found to be damaged.

EMPCo Response – EMPCo respectfully disagrees with the allegations in Item 2.

EMPCo's *Facilities Inspection and Maintenance Management System, Cathodic Protection Program, Revision 16.0 dated 9/29/20* ("FIMMS"), as directly referenced in Item 2, was examined at the time of the inspection. EMPCo, asserts that *Section III, Processes and Procedures, Section D, Corrective Action of FIMMS* ("Section D") provides both guidance and timeframes for corrective actions.

With regard to guidance, "detailed guidance on correcting identified deficiencies", as stated in Item 2, is neither required by the applicable regulation(s), nor is any PHMSA guidance available as to the meaning of "detailed guidance".

Further, providing "detailed guidance" is not practical to include in a Cathodic Protection Program, as any corrective action is necessarily determined by a number of site- and situation-specific factors that cannot be anticipated in advance, but instead must be diagnosed and assessed in the professional judgment of applicable, trained personnel, as circumstances warrant and within documented timeframes. Examples of varying site- and situation-specific factors at a given installation include, but are not limited to, the equipment manufacturer, environmental condition, design, and configuration. Thus, as stated in Section D, "[a]ppropriate action will vary by situation and location." As further guided by Section D, appropriate corrective action for any given installation will be developed to conform to site- and situation-specific factors, including personnel "expertise, troubleshooting, and consultation as necessary with knowledgeable sources and reference materials."

With regard to timeframes, Section D states that, if cathodic protection is found to be deficient, corrective action will be implemented "as soon as possible, not to exceed 12 months." Further, test lead wires that need repair will be repaired "prior to the next scheduled inspection."

EMPCo also notes that lack of "guidance" was not identified in the preliminary written findings PHMSA provided to EMPCo following the audit. Had it been, EMPCo would have engaged in further discussion and provided clarification at that time, with specific reference to Section D and guidance documents provided in *Section VI, Reference Materials, Subsection D, Reference Documents*.

The version of FIMMS that PHMSA produced from the case file, reflecting PHMSA's highlighting at Section B, is attached hereto as Exhibit B.

Please note that Exhibit A and Exhibit B contain proprietary confidential commercial information that EMPCo keeps private, and same are submitted to PHMSA in expectation of protection from disclosure pursuant to 5 U.S.C. § 552(b)(4) and/or the Critical Infrastructure Information Act of 2002. If any or all

documents, including the attached Exhibits, become subject to a FOIA request in the future, EMPCo respectfully requests that PHMSA notify EMPCo and follow the agency's procedures pursuant to 49 C.F.R. § 7.23.

Should you have any questions or require any additional information in regards to the responses above, please contact Caroline Henderson at 832-624-7920 or pipeline.safety.compliance@exxonmobil.com.

Sincerely,

7/8/2021

X 

Johnita D. Jones, on behalf of Steven A. Yatauro
Vice President and Southern Operations Manager
Signed by: Jones Johnita D