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# PIPELINE SAFETY VIOLATION REPORT

**United States Department Of Transportation  
Pipeline and Hazardous Material Safety Administration**

**CPF 3-2010-5014**

## PART A - OPERATOR INFORMATION

<b>Pipeline operator/owner:</b> ExxonMobil Pipeline Company		<b>OPID #:</b> 12628
<b>Company Official name, title, telephone, FAX #:</b> Mr. G.A. (Geoff) Craft Vice President 713-656-5647 713-656-0931	<b>Mailing address of Company Official:</b> 800 Bell Street Rm. 691H Houston, TX 77002	
<b>Nature and size of operator's system (total miles, HCA miles, products, environmental conditions, employees):</b> ExxonMobil Pipeline Company (EMPCo) and its affiliates are engaged in transporting approximately 3.5 million barrels per day of crude oil, refined petroleum products, liquefied petroleum gases, natural gas liquids, and chemical feedstocks through 8,000 miles of pipeline in 23 states, the Gulf of Mexico, and Canada. The crude oil system known as the Pegasus 20" takes crude oil from storage in Patoka, IL and transports it to facilities in TX (See Exhibit A). Total mileage for the system is approximately 940 miles, of which 790 miles of it are located in could affect HCAs. The Central Region unit starts in Patoka, IL and goes southwest through IL and MO and ends at the MO/AR border (See Exhibit B).		

## PART B - INSPECTION RESULTS

<b>Date of Inspection:</b> July 12-15, 2010	<input type="checkbox"/> Gas <input type="checkbox"/> LNG <input checked="" type="checkbox"/> Hazardous Liquid	<b>Unit #(s):</b> 3743
<b>PHMSA/State Inspector name and organization:</b> Hans Shieh, PHMSA CRO		
<b>Inspection location(s) and facilities inspected:</b> The records portion of the inspection was conducted in Patoka, IL. The field evaluation consisted of the breakout tanks located Patoka, and the pipeline and stations from Patoka to the MO/AR state line south of Doniphan, MO.		

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## PART C – VIOLATION and CIVIL PENALTY INFORMATION

Information shown in Part C of this Pipeline Safety Violation Report relates to probable violations, proposed compliance orders, and proposed civil penalties

### VIOLATION NUMBER 1

#### Section C1 – Description of Violation

Identify the regulation violated with the part, section, and most specific paragraph of Title 49, such as 192.309(b)(3)(ii). Enter only one regulation:

§195.412(b)

Is this a violation of a condition in a Special Permit (Waiver)?

No  Yes - identify permit and describe violation: [click here to enter](#)

Describe the operator's conduct that violated the regulation:

ExxonMobil Pipeline exceeded the five year interval for inspecting the Pegasus 20" Mississippi River crossing between Missouri and Illinois. The Pegasus 20" line crosses the Mississippi River in Randolph County, IL and Perry County, MO near Perryville, MO. The Mississippi is defined as a navigable river that must be inspected once every five years per 195.412(b). Records reviewed during the inspection found that the last inspection of this river crossing was done on December 5, 2002 (See Exhibit C). As of the date of this inspection, July 2010, records of another inspection could not be found.

Describe the evidence:

Exhibit A: Map of the Pegasus 20" System

Exhibit B: Map of the Pegasus 20" Central Region Unit

Exhibit C: Copy of the 2002 river inspection.

Exhibit D: Copy of the completed 2010 river inspection and results.

Person(s) interviewed (include each person's name, title, and an explanation of why this person's knowledge is important in establishing the violation):

Paul Wollerman, First Line Supervisor. Mr. Wollerman is the supervisor for the personnel that does the

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inspections on the crossing. He was involved in trying to find why there was no record of the December 2007 inspection of the river.

Comments of person(s) interviewed regarding the violation (include names of any witnesses to the conversation):

Mr. Wollerman indicated that the missing inspection was identified in a pre-audit. They researched their database and invoices and talked to the employees that were responsible for the inspection. They also spoke to their contract company but could not get verification that it was inspected in 2007. As a result, they scheduled the inspection for as soon as possible. This inspection was completed on October 13, 2010 (See Exhibit D).

## NATURE

**Describe the nature of the violation in terms of: activities (conduct of activities such as inspections, tests, preparing procedures, maintenance, meetings, notifications, reports); or equipment/facilities (such as safety equipment not installed, missing, defective or inoperative); or records (identify the missing records or the records that were reviewed):**

The inspection of the river was not done within the 5 year time frame required by 195.412(b). This was not a records issue.

## CIRCUMSTANCES

**Describe who discovered the violation (operator, PHMSA, public) and the duration of the violation:**

The operator found the violation during a pre-audit of the system prior to my inspection. The inspection exceeded the allowable interval by approximately 2 years and 10 months.

## GRAVITY

*Gravity relates to the seriousness of the probable violation, and includes consideration of whether it posed a significant threat to public safety and protection of the environment and where this threat occurred.*

**Enter the number of instances of the violation:**

[click here to enter](#)

<i>Non-IM Violation Only</i>	1	<input type="checkbox"/>	<b>The non-compliance affected the operator's emergency response capability</b>
	2	<input type="checkbox"/>	<b>The non-compliance had a minimal effect on pipeline integrity or safe operation of the pipeline and did not pose a significant threat to public safety or the environment</b>
<i>Select all</i>	3	<input checked="" type="checkbox"/>	<b>The non-compliance posed a significant threat to pipeline integrity or safe operation of the pipeline, or if left uncorrected would likely pose such a threat</b>
	4	<input checked="" type="checkbox"/>	<b>The location of the noncompliance in items 2 and 3 (above) was in or affected a</b>



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<i>that apply</i>		<p>populated area, an HCA, an HCA "could affect" segment, a road or RR crossing, a plant/station, or similar area</p> <p>5 <input type="checkbox"/> The non-compliance was a causal factor in, or contributed to the cause(s) of, a reportable accident/incident.</p> <p>6 <input type="checkbox"/> The non-compliance contributed to increasing the severity of the consequences of a reportable accident/incident</p> <p>7 <input type="checkbox"/> The non-compliance was a causal factor in a minor (non-reportable) release of product</p>
<p><b>For selection 3 (above) describe the potential impact of this violation on <u>public safety</u>?</b></p> <p>The location of the pipeline was in the Mississippi River near the city of Perryville, MO. There is local river traffic from fisherman and barge traffic.</p>		
<p><b>For selection 3 (above) describe the potential impact of this violation on the <u>environment</u>?</b></p> <p>As indicated before, this is a major waterway that provides water intake for numerous towns and cities downstream of the crossing.</p>		
<i>IM Violation only</i>	<p><b>Enter the Area Finding &amp; Risk Category data:</b></p> <ul style="list-style-type: none"> <li>• Area Finding: <input type="text" value="click here to enter"/></li> <li>• Risk Category (A-E): <input type="text" value="click here to enter"/></li> </ul>	
<p><b><u>Section C2 – Consequences of an Accident/Incident</u></b></p>		
<i>Select all that apply</i>	<p><input checked="" type="checkbox"/> X</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>There was no accident/incident (continue to Section C3)</p> <p>The event was reportable (§ 191.3 or § 195.50) regardless of whether it was reported by the operator.</p> <p>One or more persons were evacuated. How many?: <input type="text" value="click here to enter"/></p> <p>A cleanup of the resulting environmental damage was required.</p> <p>One or more persons were injured and transported to a medical facility (regardless of whether as in-patient or out-patient). How many?: <input type="text" value="click here to enter"/></p> <p>One or more fatalities. How many?: <input type="text" value="click here to enter"/></p> <p>Other: Describe: <input type="text" value="click here to enter"/></p>

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## Section C3 – Additional Considerations

A civil penalty is not proposed for this violation (continue to Section C4).

### CULPABILITY

*This civil penalty assessment consideration is based on how culpable - or blameworthy – the operator is for the non-compliance.*

*Culpability does not consider actions taken by the Operator after PHMSA has discovered the noncompliance.*

**Select one**

**The operator failed to take any action to comply with a regulatory requirement that was clearly applicable to its facility.**

Describe: ExxonMobil was very cognizant of the regulatory requirement, but could not find records to substantiate the inspection. It was indicated by local personnel that it was done; however, there was no evidence that it was, including no invoices for the contract company that does the inspection. As a result, a river inspection was immediately scheduled and completed on October 17, 2010 (See Exhibit D).

**The operator made a minimal attempt to comply.**

Describe: [click here to enter](#)

**The operator was cognizant of the regulatory requirement and took some steps to address the issue, but did not achieve compliance.**

Describe:

**The operator was cognizant of the regulatory requirement and took significant steps to address the issue, but had some degree of justification for not taking all practicable steps to achieve compliance at its facility.**

Describe: [click here to enter](#)

**The operator was diligent in taking all practicable steps to comply but failed to achieve full compliance for reasons such as unforeseeable events/conditions that were partly or wholly outside its control; or the operator is a small or new operator in the process of building and strengthening its compliance program, or similar reasons.**

Describe: [click here to enter](#)

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<b>GOOD FAITH</b>			
<i>This civil penalty assessment consideration is based on the reasonableness of an operator's understanding of the cited regulatory requirement</i>			
<i>Select one</i>	<input type="checkbox"/>	<b>GOOD FAITH</b> exists if there is more than one reasonable interpretation as to how to implement the requirement at the facility and the operator had a credible belief that its approach was faithful to its duty to meet its obligation.	Describe: <a href="#">click here to enter</a>
	<input checked="" type="checkbox"/>	<b>GOOD FAITH</b> does not exist if there is guidance publicly available to operators on the subject and the operator did not act in accordance with the guidance, the operator failed to follow the only accepted industry practice, or if there is only one manner of implementing the requirement at the facility sufficient to accomplish the purpose of the requirement and the operator did otherwise.	Describe: ExxonMobil missed a 5 year inspection interval by almost three years. They could not produce any reasoning as to why it was missed, other than it was not intentional.
<b>Additional Comments applicable to civil penalty (Optional)</b> <i>(including other matters as justice may require and economic benefit gained from noncompliance)</i>			
Describe: Although ExxonMobil did not know the condition of the crossing in 2007 when it was due, the crossing inspection completed in October 2010 found that the profile was virtually unchanged from the previous inspection in 2002 and that the crossing was in good condition with no apparent problems.			
<b>Section C4 – Proposed Action</b>			
<i>Select one</i>	<input checked="" type="checkbox"/>	Civil penalty	<input type="checkbox"/> Civil penalty and compliance order
	<input type="checkbox"/>	Compliance order	<input type="checkbox"/> Other - describe: <a href="#">click here to enter</a>



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## PART D HISTORY of PRIOR OFFENSES

(complete this section only if at least one of the violations in this case  
has a proposed civil penalty)

*(Prior offenses for the 5 year period prior to the estimated date of this Violation Report's Notice letter)*

<b>Date of Final Order</b>	<b>CPF #</b>	<b>What type of enforcement action(s) (CO, CP) are in the Final Order ?</b>	<b>Number of offenses in Final Order</b>	<b>Identify the regulation(s) violated (Part, Section, and specific Paragraph)</b>
11/24/08	1-20060-5005	CP	1	195.573(a)(1)

Press TAB in the cell above to add rows

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Inspector's signature & organization

Date:

Hans Stiel  
PHMSA CR

11/24/2010  
\_\_\_\_\_

PHMSA Region Director's signature

Date:

D.A. Call

11/24/2010  
\_\_\_\_\_

(Rev. 4/2010)



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## Evidence Exhibit A

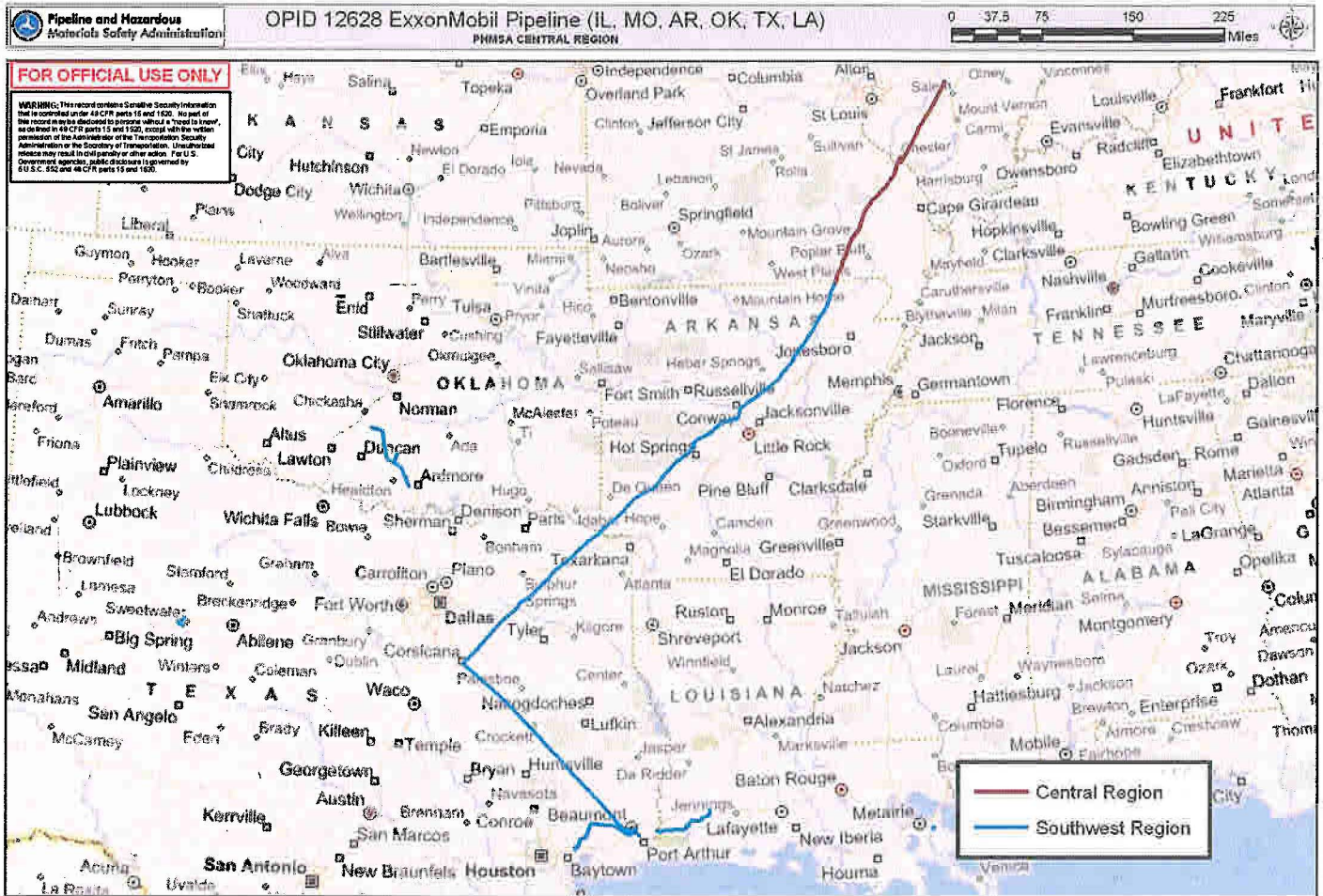
Name of Operator: ExxonMobil Pipeline Company

Violation number(s) supported by the evidence	Evidence (attached)	Evidence provided by:	
		Name of person	Name of Company (or other organization) this person represents
N/A	Map of the Pegasus 20" system	N/A	NPMS

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## Evidence Exhibit B

Name of Operator: ExxonMobil Pipeline Company

Violation number(s) supported by the evidence	Evidence (attached)	Evidence provided by:	
		Name of person	Name of Company (or other organization) this person represents
N/A	Map of Central Region Unit 3743	N/A	NPMS

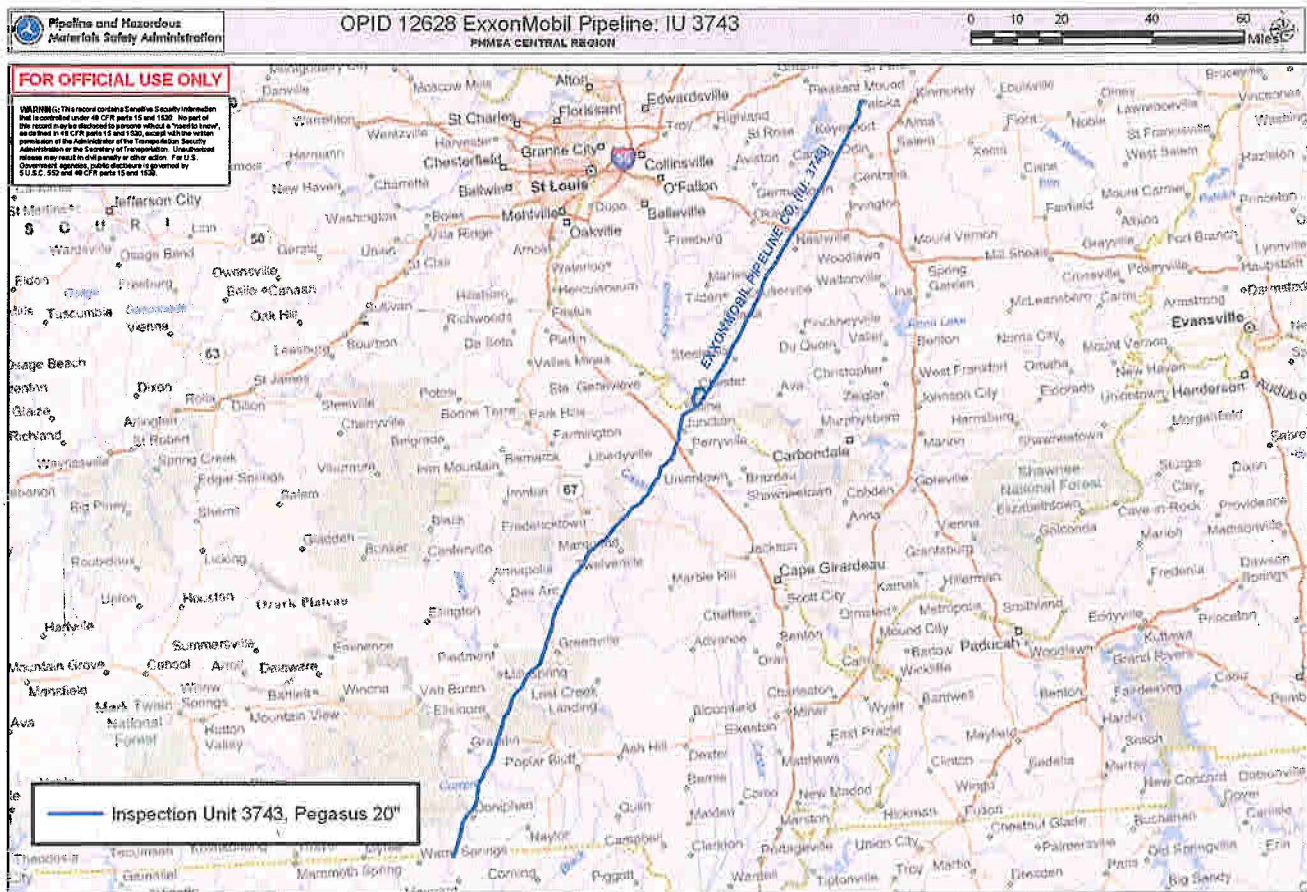
Press TAB in above cell for more rows



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## Evidence Exhibit C

Name of Operator: ExxonMobil Pipeline Company

Violation number(s) supported by the evidence	Evidence (attached)	Evidence provided by:	
		Name of person	Name of Company (or other organization) this person represents
1	Last Mississippi River Crossing Inspection	Larry Hawthorne	ExxonMobil Pipeline Company

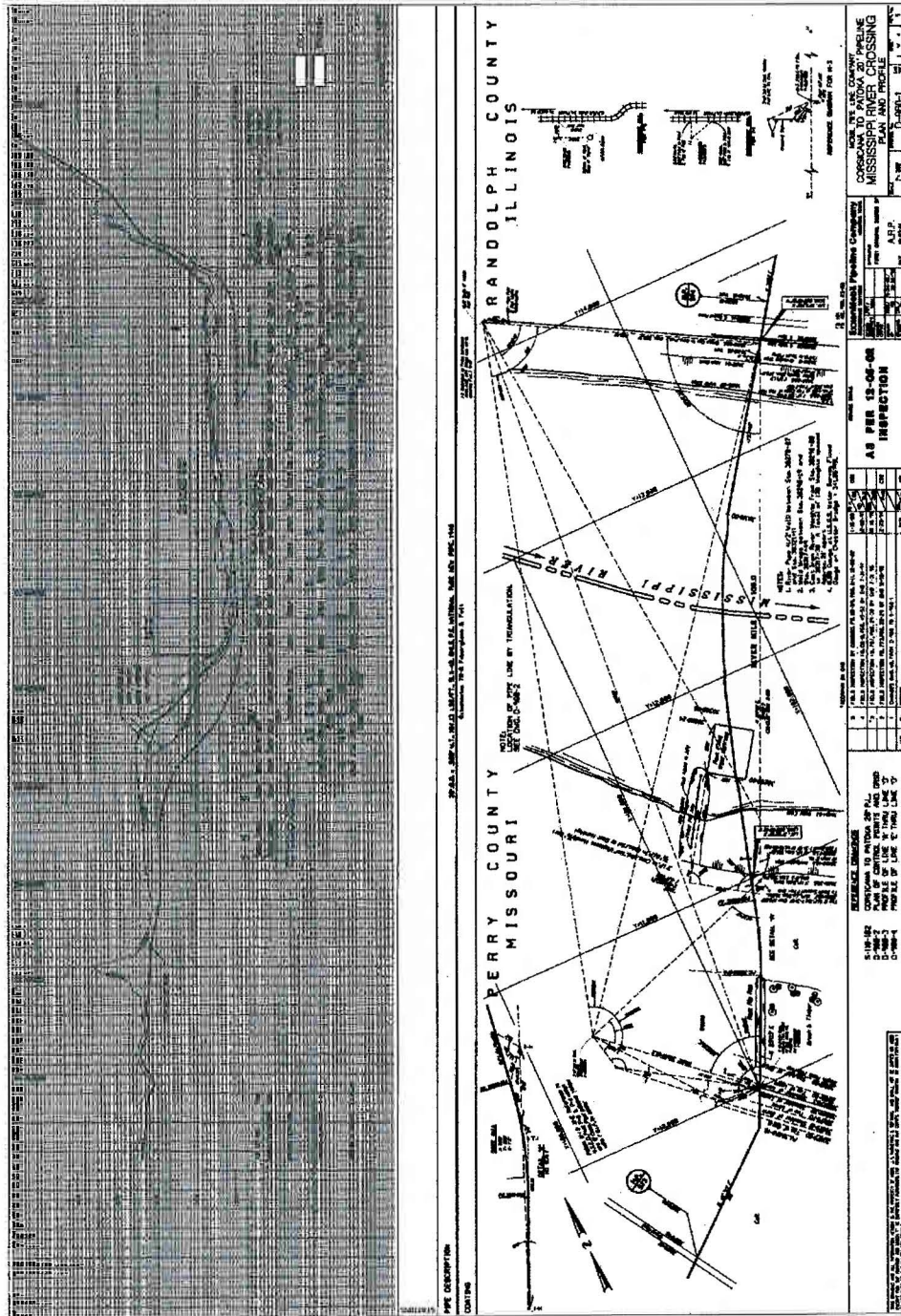
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## Evidence Exhibit D

Name of Operator: ExxonMobil Pipeline Company

Violation number(s) supported by the evidence	Evidence (attached)	Evidence provided by:	
		Name of person	Name of Company (or other organization) this person represents
4	2010 Mississippi River Crossing Inspection - Email From Mr. Hawthorn indicating that the crossing was done. - Date of the 2010 Survey - Survey Report from Contractor.	Larry Hawthorne	ExxonMobil Pipeline Company

Press TAB in above cell for more rows

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**Shieh, Hans (PHMSA)**

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**From:** larry.e.hawthorne@exxonmobil.com  
**Sent:** Wednesday, November 03, 2010 3:22 PM  
**To:** Shieh, Hans (PHMSA)  
**Cc:** paul.o.wolterman@exxonmobil.com; john.d.nestleroad@exxonmobil.com  
**Subject:** Mississippi River Inspection attached- completed  
**Attachments:** pic30982.jpg; PL-2388 Mississippi River Waterway Crossing - 2010.doc

Hans, I called and left you a message on your office phone.

The Mississippi River Crossing inspected was completed on 10-13-10 and attached is the inspection sheet- PL-2388 attached on the bottom email.  
Do you need a copy of the River Drawing.?-

I copied this section of the drawing which displays the inspection date and attached the completed Inspection form.  
This inspection copy has not been signed by the Area Supervisor,- he is out of the office and we received this inspection today, and wanted to get it to ASAP as promised.

Thanks, give me call if you need anything else.

(Embedded image moved to file: pic30982.jpg)

regards-  
Larry "Doc" Hawthorne-  
Pipeline Safety Compliance Advisor  
(SHE)-Safety,Health,&Environmental Department Office 903-654-5345-(CELL)903-879-0313- FAX 903-654-5302  
email: [larry.e.hawthorne@exxonmobil.com](mailto:larry.e.hawthorne@exxonmobil.com)  
1604 South 15th St.. Corsicana, Texas 75110  
----- Forwarded by Larry E Hawthorne/Dallas/Mobil-Notes on 11/03/2010 03:06 PM -----

John D Nestleroad/ MidWest/Mob il-Notes	Larry E Hawthorne/Dallas/Mobil-Notes@xom	To
		cc
11/03/2010 03:02 PM		Subject
	Re: Fw: Mississippi River(Document link: Larry E Hawthorne)	

PL - 2388 for the Mississippi River is attached.





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## EXXONMOBIL PIPELINE COMPANY

### WATERWAY CROSSING INSPECTION REPORT

Waterway Mississippi River

Inspection Date 10-13-2010

Navigable Crossing as Defined in Section VI.A  Yes  No

Line Segment 20' Corsicana To Pakota Mile Post 573.5

Cost Center C251802 Business Unit Central North Midwest Pipeline Drawing No. D-960-1

Inspected By Alan Kinnear, Gateway Services Group, LLC RCD Field Book EXM 1 PG. 32-34

#### CONTROL

1. Vertical:  Found  Destroyed  Reset

2. Horizontal:  Found  Destroyed  Reset

#### BANK INSPECTION

3.  Visual or  Controlled Length of Crossing from High Bank to High Bank 2658'

4. South Bank  Eroding  Filling  No Significant Change

5. Exposed Pipe: NONE  Suspended 0 L.F.

6. Ground Cover grass & weeds

7. Coating:  Good  Fair  Poor  Unknown

8. Signs & Markers:  Yes  No Condition GOOD

9. North Bank  Eroding  Filling  No Significant Change

10. Exposed Pipe: NONE  Suspended 0 L.F.

11. Ground Cover grass & weeds; rock rip-rap

12. Coating:  Good  Fair  Poor  Unknown

Distribution: Original - CIC, Copies - Local DOT File, FIMMS Field Steward File, CADD Coordinator

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13. Signs & Markers:  Yes  No Condition GOOD

## WATERWAY INSPECTION

14. Inspection  Visual  Controlled
- Stationing By  GPS  Angular Control  Estimation
- Water Elevation Determined By  Tide Gauge  Levels
- Bed of Waterway  Dry  Wadeable  Boat Required
- Bed of Waterway Determined by  Levels  Sounding  Fathometer
- Bed of Waterway Along Pipeline  Eroding  Filling  No Sign. Change
15. Exposed Pipe: NONE Suspended 0 L.F.
16. Coating  Good  Fair  Poor  Unknown

## WATERWAY CROSSING INSPECTION REPORT

### REMARKS:

1. The water level was approximately 20' higher than normal during this inspection.
2. The riverbed profile over the pipeline shows no significant changes since the last inspection.
3. There has been 2' or 3' of fill over the pipeline with some erosion in the riverbed. Other points along all seven check lines show typical shifting of silt, reflecting normal changes.
4. Some erosion has occurred along the south bank while the north bank remains virtually unchanged.
5. Both horizontal and vertical control points were recovered in good condition.

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**CONCLUSION:**

This crossing appears to be in good condition with no apparent problems.

Next Inspection To Be Scheduled In 2015, Unless Unforeseen Flooding And Erosion Should Indicate Otherwise.

Prepared By Alan Kinnear, Gateway Services Group, LLC, Date 10-28-10

**CORRECTIVE ACTION TAKEN:**

\_\_\_\_\_  
(Date)

(Signature of Field Steward or Area Supervisor)