



U.S. Department  
of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

Administrator

1200 New Jersey Avenue, SE.  
Washington, DC 20590

JUL - 2 2013

The Honorable Edward J. Markey  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Markey:

Thank you for your continuing interest in the important issue of preventing and mitigating oil spills from pipelines. Please rest assured that PHMSA is performing a comprehensive investigation of the Mayflower, AR oil spill and will take all appropriate enforcement actions once its investigation is complete. I am responding to the questions in your letter of June 14, 2013.

1. If ExxonMobil was operating under a response plan that had not yet been approved by your agency, what penalties or enforcement actions may be taken against the company?

- ExxonMobil oil spill response plan was approved in 2009. The 2013 version may be a major revision. The 2013 version, even unapproved, would be expected to have more up-to-date listings of response resources, such as Oil Spill Removal Organizations, and local officials than an older version and would be a valuable resource for the response.
- The investigation of this incident and related matters is on-going. PHMSA will consider the range of enforcement actions that it has available for violations of the Federal Water Pollution Control Act of 1972, if any violations of its regulations are found.

2. What rationale has ExxonMobil provided PHMSA for extending the response time under its "Worst Case Discharge" scenario by 50 percent in the revised oil spill response plan for the Corsicana Response Zone submitted by to your agency in March of 2013?

- An operator is not required to explain changes to the values it assigns to variables in its Worst Case Discharge (WCD) calculations. WCD scenarios are not required by PHMSA response plan regulations.

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- Operators are required to calculate WCD for their systems using alternate methods, then report the largest amount arrived at from that calculation. Two of these methods could cause the operator to adjust its reported shutdown time, including time for detecting and reacting to an abnormal condition on their system, based on historical discharge data, “or in the absence of such historic data, the operator’s best estimate.” If the operator changes the amount of time needed to detect and react to an abnormal condition, based on their experience or judgment, it may relate to a change in the volume of product released under a WCD.
- Depending on the increase in the calculated WCD, it may be necessary for the operator to include additional resources to effectively respond to the larger WCD.

3. What factors does PHMSA consider in allowing significant revisions to Emergency Response Plans that could have major impacts on human and environmental health?

- PHMSA considers if the Plan’s content, whether in an original version or in a revision to an approved plan, complies with requirements in PHMSA’s response plan and associated hazardous liquid pipeline regulations.

4. When does PHMSA plan to review ExxonMobil’s updated Emergency Response Plan for the Corsicana Response Zone?

- The plan is currently under review, and we anticipate the review should be completed by July 31, 2013.

5. Please provide a copy of ExxonMobil’s revised Rev. #12 Emergency Response Plan received by PHMSA on March 14, 2013.

- PHMSA will provide your office with a copy of the plan once it is approved.

I hope this information has been helpful. If we can be of further assistance, please contact Patricia Klinger, Deputy Director, Office of Governmental, International and Public Affairs at 202-366-4831 or by email at [patricia.klinger@dot.gov](mailto:patricia.klinger@dot.gov).

Regards,



Cynthia L. Quarterman