



July 19, 2010

Mr. Rodrick M. Seeley  
 Pipeline Safety Office  
 PHMSA Southwest Region Office  
 Pipeline and Hazardous Materials Safety Administration  
 U.S. Department of Transportation  
 8701 S. Gessner Rd., Suite 1110  
 Houston, TX 77074

**Re: Relevance of 49 CFR Part 194 – Response Plans for Onshore Oil Pipelines and 49 CFR Part 195 - Transportation of Hazardous Liquids by Pipeline in Relationship to the ExxonMobil Pipeline and its proximity to Lake Maumelle, the Primary Surface Public Water Supply Reservoir for Central Arkansas**

Dear Mr. Seeley:

We are writing you to express our concern regarding the ExxonMobil Pipeline that traverses the Lake Maumelle Watershed, to insure the pipeline is in compliance with all applicable Federal Regulations under the purview of the Pipeline and Hazardous Materials Safety Administration (PHMSA), and that the pipeline poses no unreasonable threat to the largest Public Water Supply (PWS) utility in Arkansas, Central Arkansas Water.

Lake Maumelle, constructed exclusively as a water supply reservoir in the late 1950's, is a 9,000 acre surface reservoir that is the principle reservoir for our utility. We have another, smaller reservoir in our system, and the two together service approximately 400,000 customers in central Arkansas. Lake Maumelle supplies over 60% of system demand.

The watershed of Lake Maumelle is approximately 137 square miles, and the pipeline diagonally traverses the watershed from the southwest to the northeast (see attached map). The pipeline enters the Lake Maumelle watershed from the southwest at approximate pipeline mile *MP 293.0* and exits the lake's watershed at *MP 306.5* for a distance of approximately 13.5 miles. It crosses the main tributary to Lake Maumelle, the Maumelle River, in three places just a few miles upstream of the lake at *MPs 295.9, 296.85, and 297.65*. The pipeline then traverses just north of the lake, crossing a number of tributaries including Bringle Creek, the second largest tributary, Yount Creek, and Reece Creek, another large tributary to the lake. The pipeline is less than a quarter mile to the lake at places, and is roughly five miles as the crow flies from the actual water intake structure. Based on information in our files and supplied by ExxonMobil, we understand the pipeline was built in the late '40's early '50's, is 20 inches in diameter, and carries about 4,200 bbls per hour of crude from Canada to Texas.

Upon review of the requirements of 49 CFR Part 195 – *Transportation of Hazardous Liquids by Pipeline*, it is our opinion that the following sections of the Regulation pertain to the ExxonMobil Pipeline and Lake Maumelle:

**195.6 Unusually Sensitive Areas (USAs).**

An USA drinking water resource is: (1) The water intake for a Community Water System (CWS) ...that obtains its water supply primarily from a surface water source and does not have an adequate alternative drinking water source;

*Since the pipeline crosses the main tributary to Lake Maumelle in three places just a few miles upstream of the lake, is in close proximity (less than a ¼ mile in some places) to the lake for over seven miles of pipe length on the north side of the lake, we are of the opinion that Lake Maumelle is a USA drinking water resource. **Please advise.***

(c) As used in this part—*Adequate Alternative Drinking Water Source* means a source of water that currently exists, can be used almost immediately with a minimal amount of effort and cost, involves no decline in water quality, and will meet the consumptive, hygiene, and fire fighting requirements of the existing population of impacted customers for at least one month for a surface water source of water.

*Since our average daily consumption is approximately 60 mgd, and Lake Winona can only supply about 23 mgd, we do not have an adequate alternative if Lake Maumelle is impacted.*

**195.260 Valves: Location.**

Section (e) requires that valves must be located: “On each side of a water crossing that is more than 100 feet (30 meters) wide from high-water mark to high-water mark unless the Administrator finds in a particular case that valves are not justified.”

*Based on recent observations of the Maumelle River at high flows, the distance between high water marks is much greater than 100 feet. The pipeline crosses the Maumelle River in three locations (MP 295.90, MP 296.85, and MP 297.65). None of these crossings appear to have valves at these crossings. We feel this portion of the regulation applies. **Please advise.***

Section (f) requires that valves must be located “On each side of a reservoir holding water for human consumption”.

*There are valves on each side of the reservoir, but the pipeline also crosses just north of Lake Maumelle. A rupture in the line between these valves could result in all the volume of the pipeline between these valves draining. This approximate volume would be over 600,000 gallons of crude oil (about 14,300 bbls) that could be released.*

**Subpart F- Operation and Maintenance**

**195.402 Procedural manual for operations, maintenance, and emergencies.**

General. Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies.

(b) The administrator ...may require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

(c) (4) The manual must include procedures for “Determining which pipeline facilities are located in areas that would require an immediate response by the operator to prevent hazards to the public if the facilities failed or malfunctioned.”

*We would like assurance that this has been or will be done to protect Lake Maumelle and the PWS. **Please advise.***

(e) Emergencies. This section states the manual must include procedures to provide safety when an emergency condition occurs. All of the items in this section should be addressed, but in particular: (e)(3) "Having personnel, equipment, instruments, tools, and material available as needed at the scene of an emergency"

*Since the spill response plan indicates ExxonMobil only have 50 feet of boom at Conway, it seems they should do more to get adequate equipment, etc. to meet this requirement. **Please advise.***

**195.412 Inspection of rights-of-way and crossing under navigable waters.**

Each operator shall, at intervals not exceeding 3 weeks, but at least 26 times each calendar year, inspect the surface conditions on or adjacent to each pipeline right of way. Methods of inspection include walking, driving, flying or other appropriate means of traversing the right of way.

(b) Except for offshore pipelines, each operator shall, at intervals not exceeding 5 years, inspect each crossing under a navigable waterway to determine the condition of the crossing.

*The Maumelle River may be "navigable", if so, 195.412 (b) would apply.*

**195.440 Public Awareness**

(a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the API Recommended Practice 1162.

(d) The operator's program must specifically include provisions to educate the public, appropriate government organizations, and person engaged in excavation related activities on:

(d)(2) Possible hazards associated with unintended releases from a hazardous liquid ... pipeline facility

(d)(4) Steps that should be taken for public safety in the event of a hazardous liquid... pipeline release

(e) The program must include activities to advise affected municipalities, etc

(h) Operators... must have completed their written program no later than June 20, 2006. Upon request, operators must submit their completed programs to PHMSA...

*Have these items been adequately addressed by ExxonMobil? **Please advise.***

**High Consequence Areas**

*Note that all of this section under High Consequence Areas seems applicable to our Utility. Please advise if that is the case.*

**195.450 Definitions:**

The definition of "High Consequence Areas", per item (4) of the definition includes **unusually sensitive areas**, as defined in 49 CFR 195.6. Unusually sensitive areas include water supplies, therefore Lake Maumelle and the PWS should come under the "High Consequence Areas" section of this Regulation.

**195.452 Pipeline integrity management in high consequence areas.**

This section applies to each ...pipeline... that could affect a high consequence area, including any pipeline located in a high consequence area unless the operator effectively demonstrates by risk assessment that the pipeline could not affect the area.

**195.452 (c)**

This section outlines what must be in the baseline assessment plan including methods to assess the integrity of the line pipe, a schedule for completing the integrity assessment, etc.

**195.452 (d)**

This section sets out the time for the assessments to be done. We appear to be in Category 2, so the assessment should have been done by Feb 17, 2009. However, if it is a Newly-Identified area, then the operator must incorporate a new unusually sensitive area into its baseline assessment plan within one year from the date the area is identified. We may have not been previously identified, in which case we would come under the Newly Identified area section (195.452(d)(3)).

**195.452 (f)**

This section provides for the elements of an integrity management program, including evaluation of consequences of a failure on the high consequence area. Some of the elements that must be in a written integrity management program include: (1) A process for indentifying which pipeline segments could affect a high consequence area; (3) An analysis that integrates all available information about the integrity of the entire pipeline and the consequences of a failure; (6) Identification of preventive and mitigative measures to protect the high consequence area; (7) Methods to measure the program's effectiveness

**195.452 (g)**

This section states what must be in an information analysis..."An operator must analyze all available information about the integrity of the entire pipeline and the consequences of a failure, including (195.452 (g)(4)) information about how a failure would affect the high consequence area, such as location of the water intake.

**195.452 (i)**

This section states what preventive and mitigative measures must be taken by an operator. Under general requirements, 195.452 (i)(1) "An operator must take measures to prevent and mitigate the consequences of a pipeline failure that could affect a high consequence area." These measures include conducting a risk analysis of the pipeline segment to identify additional actions to enhance public safety or environmental protections. Under Risk Analysis, 195.452(i)(2)... "an operator must evaluate the likelihood of a pipeline release occurring and how a release could affect the high consequence areas... One of the items that must be considered is: 195.452(i)(2)(i) "Terrain surrounding the pipeline segment, including drainage systems such as small streams and other smaller waterways that could act as a conduit to the high consequence area".

Please advise if these items in 195.452 are relevant to the ExxonMobil Pipeline (we think they are), and if so, if they have been adequately addressed by ExxonMobil. If not, please take whatever appropriate steps PHMSA deems necessary to comply with these sections of the regulation.

**Per 49 CFR 194 – Response Plans for Onshore Oil Pipelines  
ExxonMobil Pipeline Emergency Response Plan Concerns**

We have reviewed the emergency response plan entitled “ExxonMobil Pipeline Company & Mobil Pipe Line Company, Emergency Response Plan, Corsicana Response Zone, Appendix Manual, PHMSA Sequence Number 103, Volume 2” and have concerns that it fails to mention anywhere in the document that Lake Maumelle is a Public Water Supply Surface Reservoir. This omission regarding Lake Maumelle as a PWS appears to be contrary to the requirements of 49 CFR 194.103, *Significant and substantial harm; operators statement*, specifically 49 CFR 194.103(c)(4).

*Does 49 CFR 194.130 apply to Lake Maumelle? If it does, please ensure that the requirements of the regulation are met.*

We also have the following additional comments regarding the referenced Response Plan:

Under Section 12, Notifications

- Suggest the Arkansas Department of Health and the Arkansas Department of Environmental Quality be added to that portion of Section 12 of the plan regarding state agencies to contact in the event of a spill.
- Under the heading “Local Agencies/Assistance”, there is no mention at all of any Arkansas agencies. Regarding that portion of the pipeline that traverses the Lake Maumelle watershed, appropriate contacts should be added, such as the Pulaski County, Perry County, and Saline County sheriff’s office, as well as the relevant fire departments.
- Under the heading “Medical Facilities and Personnel for each Pipeline Segment”, there is no mention of any of the numerous Little Rock, Ark. facilities, even though Little Rock is the largest metropolitan area the pipeline passes in Arkansas. The only location near Little Rock that is provided is Conway, Ark. The relevant Little Rock hospitals and fire department/s should be added.
- Under the heading “Company Equipment”, only the Conway Station is mentioned, and the only equipment listed is 50 feet of 4”x 8” Slick Bar Boom. ***This is grossly inadequate to handle a spill in the Lake Maumelle area.***
- Under the heading “Contractors and Suppliers”
  - There is no listing under “Cleaning and Oil Containment” for Arkansas companies. This should be addressed by adding Arkansas companies, or companies that can provide service in Arkansas.
  - There is only one listing for Arkansas under “General Contractors”. This list should be expanded to include Arkansas providers, or companies that can provide service in Arkansas.
  - There is no listing under “Plane and Helicopter Services” for Arkansas. This list should be expanded to include Arkansas providers, or companies that can provide service in Arkansas.

- In Section 15 “Highly Sensitive Areas”, there is no mention at all that Lake Maumelle is a PWS. Furthermore, in Section 15:
  - Reece Creek is not specifically listed, even though it has a larger watershed than Yount Creek. Reece Creek should be listed.
  - Action to be taken in the case of a spill is general in character, for example “*CP’s (control points) along Big Maumelle Lake shall be determined by Incident Commander and Commander on Scene. CP’s will vary according to size and location of spill. Unforeseen weather such as rain and wind direction shall be a major determining factor.*”  
More specific instructions should be provided, since the Lake is a PWS.
  - Yount Creek is misspelled as “Young Creek” (MP 300.7)
  - Lake Maumelle is listed as “Big Maumelle Lake” instead of the correct name “Lake Maumelle”

Thank you for considering our concerns. We would like assurance that the ExxonMobil Pipeline is in compliance with all the relevant federal regulations applicable to the pipeline due to its close proximity to Lake Maumelle, the water supply source for approximately 400,000 individuals in central Arkansas.

Central Arkansas Water



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# Exxon/Mobile Pipeline Lake Maumelle Watershed

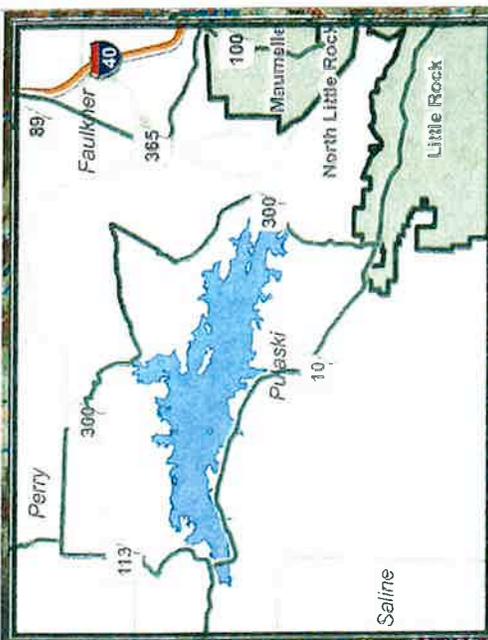
MP 306.5

MP 297.65

MP 296.85

MP 295.9

Water Intake & Dam



### Legend

- Exxon Mobile Pipeline
- AR Highway
- Rail Road
- Raw Water Line
- County
- Lake Maumelle
- Maumelle Watershed Management Areas



July 15, 2010

