

Congress of the United States
House of Representatives
Washington, DC 20515

June 14, 2013

Cynthia L. Quarterman
Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, D.C. 20590

Dear Administrator Quarterman,

I write to request that you thoroughly review a very troubling development related to ExxonMobil's Pegasus Pipeline that ruptured on March 29, 2013 in Mayflower, Arkansas and immediately take any enforcement actions necessary. According to statements made by ExxonMobil, it appears that at the time of the oil spill, the company was operating under an Emergency Response Plan that had not yet been approved by your agency. Further, this unapproved Emergency Response Plan inexplicably proposes to increase by 50 percent the amount of time it estimates that it would take the company to detect a rupture and shut down the pipeline under a "Worst Case Discharge" scenario.

In a letter written to me on May 28, 2013 (copy enclosed), ExxonMobil makes clear that it believes that the amount of time it took for the company to detect the rupture and shutdown the Mayflower segment of the Pegasus Pipeline was entirely consistent with its Emergency Response Plan. According to ExxonMobil, at least 16 minutes elapsed between when the company initially detected the rupture and when they shut down the pipeline. This is significantly longer than the time specified in the "Worst Case Discharge" scenario in the company's 2009 Emergency Response Plan¹, which was the response plan that was approved by your agency and in effect at the time of the spill. According to ExxonMobil's written statements, it does not appear that the company was operating from this approved plan.

In its May 28th letter, Exxon states that the 2009 Emergency Response Plan was not the current version of the plan. They claim that another version, submitted to PHMSA on March 8,

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http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/corsicana_zone_plan_12_2009_redact.pdf

2013, is the current Emergency Response Plan. However, according to a letter you sent me on June 12, 2013, while that newer Emergency Response Plan was received by PHMSA on March, 14, 2013, just two weeks before the Mayflower spill, it has not been approved and it remains in the queue awaiting review. PHMSA's letter confirms that ExxonMobil's approved oil spill response plan remains the 2009 plan.

It is imperative that oil companies operate under an oil spill emergency response plan that has been approved by your agency. It is profoundly troubling that Exxon may have been operating under an unapproved spill response plan that appears to include less stringent response specifications. From ExxonMobil's written statements in the May 28, 2013 letter, it appears that the company is seeking to lengthen the amount of time to detect and shutdown the pipeline during a "Worst Case Discharge" scenario. If ExxonMobil is proposing to lengthen the response time in revisions to its Emergency Response Plan for the Pegasus pipeline, PHMSA must closely examine those changes and the rationale behind them, and determine whether such changes are justified in light of the need to protect public health, safety and the environment, before taking any action to approve any revised plan.

I therefore ask you to respond to the following questions by the close of business on July 1, 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?
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?
3. What factors does PHMSA consider in allowing significant revisions to Emergency Response Plans that could have major impacts on human and environmental health?
4. When does PHMSA plan to review ExxonMobil's updated Emergency Response Plan for the Corsicana Response Zone?
5. Please provide a copy of ExxonMobil's revised Rev. #12 Emergency Response Plan received by PHMSA on March 14, 2013.

Thank you for your prompt attention to this matter.

Sincerely,



Edward J. Markey
Member of Congress