

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Suite 201  
9100 Bluebonnet Centre  
Baton Rouge, LA 70809-2985  
Phone: (225)298-5458 FAX: (225)298-5457



## Citation and Notification of Penalty

**To:**  
ExxonMobil Refining & Supply Company  
and its successors  
PO Box 551  
Baton Rouge, LA 70821

**Inspection Number:** 314769704  
**Inspection Date(s):** 03/14/2011 -  
**Issuance Date:** 09/12/2011

**Inspection Site:**  
4045 Scenic Highway  
Baton Rouge, LA 70805

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or , if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. You may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, call this office between 8:00 a.m. and 4:30 p.m. for an appointment, then complete, remove and post the page 4 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. Attached is a fill-in-the-blank form letter for your use to assist you in meeting this requirement.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Abatement Methods** - The employer is not limited to abatement methods suggested by OSHA; i.e. methods explained are general and may not be effective in all cases. Other methods of abatement may be equally or more appropriate. Ultimate responsibility for determining the most appropriate abatement method rests with the employer, given its superior knowledge of the specific conditions at its worksite.

**Inspection Activity Data** - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/12/2011. The conference will be held at the OSHA office located at Suite 201, 9100 Bluebonnet Centre, Baton Rouge, LA, 70809-2985 on \_\_\_\_\_ at \_\_\_\_\_.

Employees and/or representatives of employees have a right to attend an informal conference.



### Citation and Notification of Penalty

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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#### Citation 1 Item 1 Type of Violation: **Serious**

Section (5)(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to struck by hazards from a falling vent stack. The employer failed to ensure that the Low Pressure Let Down Steam Vent Stack located near the Hydrocracker Blowdown Drum is in compliance with ASME STS-1 mechanical and structural stability code for guyed stacks 4.10.1.1 and 4.10.1.2.

This violation most recently occurred at the Exxon Mobile Refinery and Supply Company in Baton Rouge, Louisiana on or about March 31, 2011, and at times prior thereto, when the employer failed to repair the broken guy wires to keep the exhaust vent stack in stable position.

Abatement notes: Among other methods, one feasible method of abatement to reduce this hazard is to: Follow the requirements of the ASME STS-1 section 4.10.1.1 and 4.10.1.2 which states that there should be a minimum of three guy cables at 120 deg from each other around the circumference and cables shall be attached to a fixed and stable structure or foundation.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that all guyed stacks conform to ASME STS-1. The violation must be abated no later than 10 days from the receipt of this citation.

|   |                             |
|---|-----------------------------|
| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty:                       | \$ 7000.00                  |

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 1 Item 2 Type of Violation: **Serious****

29 CFR 1910.37(b)(4): Signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge if the direction of travel to the exit or exit discharge was not immediately apparent:

The employer did not post signs that would provide a clear direction of travel along the Mutual Aid Route (at or near the intersection of 17th Street and Utilities Road) for employees who must utilize the route to exit the refinery during an emergency evacuation. This violation was documented on or about April 28, 2011.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that signs posted along the Mutual Aid Route provide a clear direction of travel. The violation must be abated no later than 10 days from the receipt of this citation.

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| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 3300.00 |



## Citation and Notification of Penalty

**Company Name:** ExxonMobil Refining & Supply Company  
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### Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(i)(B): Process safety information pertaining to the equipment in the process did not include the piping and instrument diagrams (P&ID's):

- a) The employer did not ensure that Process Safety Information (PSI) depicted on their P&IDs was up-to-date and accurate. The employer violated this standard on or about March 14, 2011 when set pressures for Hydrocracker Reactor safety relief valves: SV-0201020, SV-0201021, SV-0201022, SV-0201023, SV-0201024, and SV-0201025 were not correctly documented on the PMCDs (the employer's P&ID equivalent) as observed on safety valve tags in the field. This exposed employees to fire and explosion hazards.

The following PMCDs/P&IDs were deficient:

A-26116-7-0115-702: The set pressures listed on the P&ID for safety relief valves SV-0201020 and SV-0201021 were lower than the set pressures observed on safety relief valve tags in the field.

A-26116-7-0117-702: The set pressures listed on the P&ID for safety relief valves SV-0201022 and SV-0201023 were lower than the set pressures observed on safety relief valve tags in the field.

A-26116-7-0119-702: The set pressures listed on the P&ID for safety relief valves SV-0201024 and SV-0201025 were lower than the set pressures observed on safety relief valve tags in the field.

- b) The employer violated this standard on or about May 27, 2011 when a CSHO review of the P&IDs showed the employer did not ensure that the Hydrocracker unit (HCLA) Piping and Instrument Diagrams (P&IDs) are complete and accurate.

Drawing A-26116-7-0800-702 incorrectly shows the firewater flow direction in the system piping as a flow from the Blowdown Drum, D-115 to the firewater supply system. The correct direction of firewater flow is from the firewater system to the Blowdown Drum, D-115.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that process safety information pertaining to the equipment in the process includes

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### Citation and Notification of Penalty

**Company Name:** ExxonMobil Refining & Supply Company  
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accurate and updated piping and instrument diagrams (P&IDs). The violation must be abated no later than 10 days from the receipt of this citation.

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| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |

#### Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(ii): The employer did not document that the equipment in the process complied with recognized and generally accepted good engineering practices:

The employer does not ensure that Hydrocracker Reactors R-101, R-102, and R-103 are adequately protected from overpressure. Set pressures for reactor safety relief valves: SV-0201020, SV-0201021, SV-0201022, SV-0201023, SV-0201024, and SV-0201025 are set higher than the maximum allowable working pressure (MAWP). This violation was documented on or about March 14, 2011.

API RP 520: "Sizing, Selection, and Installation of Pressure-Relieving Devices in Refineries, Part I - Sizing and Selection" (7th edition, January 2000; Section 3.5.2.2.2, pages 39 and 40) states that when multiple pressure relief devices are used on a vessel (sized for operating non-fire contingencies), the set pressure of the first device shall not exceed the Maximum Allowable Working Pressure (MAWP) and the set pressure of the additional device or devices shall not exceed 105% of the MAWP. In addition, pages 97 and 98 of the ASME Code, Section VIII (2004), UG-134: "Pressure Setting of Pressure Relief Devices" also confirms these set pressure requirements for relief devices.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that pressure setting of safety relief devices for process vessels do not exceed the design pressure of the vessel. The violation must be abated no later than 10 days from the receipt of this citation.

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| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |

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### Citation and Notification of Penalty

**Company Name:** ExxonMobil Refining & Supply Company  
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#### Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(iii) The process hazard analysis was not appropriate to the complexity of the process. It did not address engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases.

The employer violated this standard on or about June 6, 2011. In its Pipestill (PSLA-7) 2011 Delta and Transient Operation Hazop, the employer recommended that the three gate valves on the pipe line connecting the fire water system to the main quench (river) water supply pipe line be carsealed open to ensure adequate quench water flow to Blowdown Drum D-7. However, there are two block valves and a control valve on the river water line downstream of the point where the fire water line merges with it. These three valves must also be kept open for quench water to reach the blowdown. However, the PHA made no recommendation to carseal those valves open, and a field audit verified the valves are not carsealed open. Since the valves on the river water line are downstream of the point where the fire water merges with the river water line, closure of any one of these three valves will eliminate the flow of quench water to the blowdown.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that every future Process Hazard Analysis is sufficient to cover all process hazards. The violation must be abated no later than 10 days from the receipt of this citation.

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| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |

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**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
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**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(vi): The process hazard analysis did not address human factors.

The 2010 PHA for the Hydrocracker Unit did not ensure that human factors are considered as having a potential impact on safety and health. The employer violated this standard on or about May 12, 2011, when investigation indicated that there are not sufficient personnel in the Hydrocracker unit to adequately handle emergency situations if more than one unit is involved. Hydrocracker employees operate not only the Hydrocracker, but four other units as well. The 2010 PHA addressed the problem of too few employees during startup. MOC 201104100 addresses the number of employees available on start-up along with ten other PHA recommendations. It does not address the number of persons required to adequately handle an emergency or upset condition which arises during normal operations. It states there is no impact on safety and health.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that the management of change procedures assure that the impact of the change on safety and health is addressed prior to any change. The violation must be abated no later than 10 days from the receipt of this citation.

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| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 1 Item 7 Type of Violation: **Serious****

29 CFR 1910.119(e)(5) The employer failed to establish a system to promptly address the PHA recommendations ; assure that the recommendations are resolved in a timely manner and that the resolution is documented.

The employer violated this standard on or about June 21, 2011 when a review of the P&IDs and 2010 PHA report indicated that PHA recommendation item No S-5008 to add a note to the bypass line of safety valve, SV-0201081, in red-lined P&ID No: A-26116-7-0130-702 was not complete.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that PHA recommendations are completed in a timely manner. The violation must be abated no later than 10 days from the receipt of this citation.

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| <b>Date By Which Violation Must be Abated:</b> | <b>09/29/2011</b> |
| <b>Proposed Penalty:</b>                       | <b>\$ 5500.00</b> |



### Citation and Notification of Penalty

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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#### Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.119(f)(3) The employer did not certify annually that the operating procedures for the Hydrocracker Unit were current and accurate.

This standard was violated on or about April 19, 2011 when the employer failed to certify the Hydrocracker Unit operating procedures were current and accurate. The SSEP procedure manual had been certified on April 19, 2010 and should have been certified again on or before that date in 2011. However, the actual date in 2011 that the procedures were certified was April 29, ten days later than it should have been. The procedures in the binder that was not certified included but is not limited to the following:

HCLA-SU-0304 is Rev. 0 dated 12/05  
HCLA-SU-0321 is Rev. 0 dated 12/05  
HCLA-SU-0351 is Rev. 0 dated 03/08  
HCLA-SU-0355 is Rev. 0 dated 03/08  
HCLA-SD-0402 is Rev. 0 dated 12/05  
HCLA-SD-0406 is Rev. 1 dated 02/08  
HCLA-EP-0501 is Rev. 0 dated 12/05  
HCLA-EP-0506 is Rev. 2 dated 02/10  
HCLA-EP-0508 is Rev. 0 dated 12/05  
HCLA-EP-0509 is Rev. 1 dated 02/10  
HCLA-EP-0510 is Rev. 0 dated 12/05  
HCLA-EP-0511 is Rev. 0 dated 12/05  
HCLA-EP-0512 is Rev. 0 dated 12/05  
HCLA-EP-0520 is Rev. 1 dated 02/10  
HCLA-EP-0522 is Rev. 1 dated 02/10  
HCLA-EP-0540 is Rev. 1 dated 02/10  
HCLA-EP-0544 is Rev. 1 dated 02/10  
HCLA-EP-0699 is Rev. 0 dated 12/05  
HCLA-SP-0727 is Rev. 0 dated 12/05  
HPLA-SP-0732 is Rev. 1 dated 01/11

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that in the future, operating procedures will be certified annually. The violation must be abated no later than 10 days from the receipt of this citation.

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 314769704  
**Inspection Dates:** 03/14/2011 -  
**Issuance Date:** 09/12/2011



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 3300.00 |

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## Citation and Notification of Penalty

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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### Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.119(h)(2)(iv): The employer did not develop and implement safe work practices consistent with 29 CFR 1910.119(f)(4), to control the entrance, presence and exit of contract employers and contract employees in covered process areas:

The employer did not develop and implement safe work practices to account for contract employees' entry, presence and exit into process areas. The employer violated this standard on or about April 28, 2011 and June 9, 2011 where contract employees performing demolition work in the 3-LEUS (Light Ends) Unit were not accounted for by the host employer through a Unit control room sign-in/sign-out log or other method.

- a) April 28, 2011: Blue Permit (#342075) was generated for "Entry or Special Hot Work" involving Midwest and Lowery employees. The task was to enter to demo, repair, and rebuild the #6 Cell /28 Cooling Tower. At the time of the OSHA walkaround, there were a total of eight Midwest contract employees present in the process area to perform the work permit tasks and only the name of the Acceptor was documented on the work permit maintained in the control room. All eight employees had signed the LOTO Accountability List that was maintained by the contractor in the field. The Work Permission Book in the control room has none of the Midwest employees signed in.
- b) June 9, 2011: Blue Permit (#342678) was generated for "Entry or Special Hot Work" involving Midwest and Lowery employees. The task was to enter to demo, repair, and rebuild the #2 Cell /27 Cooling Tower. At the time of the OSHA walkaround, there were a total of ten Midwest contract employees present in the process area to perform the work permit tasks and only the name of the Acceptor was documented on the work permit maintained in the control room. All ten employees had signed the LOTO Accountability List that was maintained by the contractor in the field. When CSHOs first arrived in the contractor area designated by the work permit, two employees were not accounted for. It was later determined that the two employees had left the work permit area but had remained in the Unit.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that all "normally unassigned employees" present in the process areas are accounted for and that their entry, presence and exit in process areas are controlled. The violation must be abated no later than 10 days from the receipt of this citation.

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### Citation and Notification of Penalty

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |

#### Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.119 (h)(2)(v): The employer does not periodically evaluate the performance of contract employers in fulfilling their obligations as specified in paragraph (h)(3) of this section:

The employer does not periodically evaluate the performance of contract employers in fulfilling their obligation to assure that each contract employee is instructed in the applicable provisions of the emergency action plan as specified in 29 CFR 1910.119(h)(3)(ii); contract employees who perform multiple tasks/functions in various units throughout the refinery did not know the difference between the unit-wide alarm and the refinery-wide alarm. This violation was documented on or about June 07, 2011.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that contract employers are periodically evaluated on their performance in instructing each contract employee in the applicable provisions of the Emergency Response Plan, including the difference between unit and refinery alarms. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## Citation and Notification of Penalty

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### Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.119 (j)(2) The employer did not establish and implement written procedures to maintain the on-going integrity of process equipment.

- a) The employer did not implement its Mechanical Integrity Program (General Thickness Monitor Requirement Section 3.1) for resolving anomalous pressure vessel inspection data. The employer did not address the inconsistencies on thickness measurements taken on the shell and channel box of heat exchanger E-103D on January 2004 and July 2009. The report for the shell side indicates a serious anomaly which was not addressed for the last seven (7) years. Test results which were collected on 01/2004 (shell) (Bates #7995-7996) have several readings with thickness higher than the initial thickness which was measured in 1972 by more than 0.020". This violation was documented on May 6, 2011.
- b) The employer does follow the External Inspection of Piping procedure from their Global Inspection Practices Manual which references API 570 for piping inspections. The company failed to include the appropriate thickness measurements (previous thickness) for Piping Circuit P020L500-X in its calculation of corrosion rates in 2009. Section 7.1.3 of API 570 specifically states that "corrosion rates shall be calculated on either a short term or a long term basis" for existing piping. The employer violated this standard on or about March 14, 2011 when the employer did not complete the corrosion analysis required by API 570 for inspections on P020L500-X piping circuit.
- c) The employer's Mechanical Integrity Program does not ensure that Hydrocracker Reactors R-101, R-102, and R-103 were adequately protected from overpressure. Set pressures for reactor safety relief valves: SV-0201020, SV-0201021, SV-0201022, SV-0201023, SV-0201024, and SV-0201025 were set higher than the maximum allowable working pressure (MAWP). This violation was documented on or about March 14, 2011.

As per API RP 520: "Sizing, Selection, and Installation of Pressure-Relieving Devices in Refineries, Part I - Sizing and Selection" (7th edition, January 2000; Section 3.5.2.2.2, pages 39 and 40) when multiple pressure relief devices are used on a vessel (sized for operating non-fire contingencies), the set pressure of the first device shall not exceed the Maximum Allowable Working Pressure (MAWP) and the set pressure of the additional device or devices shall not exceed 105% of the MAWP. In addition, see pages 97 and 98 of the ASME Code, Section VIII (2004), UG-134: "Pressure Setting of Pressure Relief Devices" which also confirms the set pressure requirements for relief devices.

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### Citation and Notification of Penalty

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that steps are taken to resolve anomalous data readings. The violation must be abated no later than 10 days from the receipt of this citation.

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| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |

### Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(ii) Inspection and testing procedures did not follow recognized and generally accepted good engineering practices.

The employer does not follow RAGAGEP (API 570) for piping inspection when it failed to include the appropriate thickness measurements (previous thickness) for Piping Circuit P020L500-X in its calculation of corrosion rates in 2009. The employer violated this standard on or about March 14, 2011 when the employer did not complete the corrosion analysis required for inspections on P020L500-X piping circuit.

Not being able to ascertain what the corrosion rate is might result in not knowing if the corrosion rate has exceeded the expected rate; this factor is even more crucial for thickness monitoring as the piping circuit approaches its retirement date. API 580, Section 5.5.1, states that the rate of deterioration is one of the four factors affecting the probability of equipment failure, and it has not been monitored closely in this case. Without a thorough inspection plan and assessment based on historical data, the piping systems can't be operated reliably and efficiently.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that corrosion analysis is completed in a timely manner after inspections. The violation must be abated no later than 10 days from the receipt of this citation.

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| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.119(j)(5) - Employer did not ensure that deficiency in equipment is corrected in a safe and timely manner

The employer does not correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in paragraph (d) of this section) before further use or in a safe and timely manner when necessary means are taken to assure safe operation. The employer violated this standard on or about March 14, 2011 when a broken gate valve caused a level gauge on D-110 to not work properly; rendering the visual verification of liquid level for this vessel ineffective.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that all equipment is maintained in a safe and reliable condition. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.119(l)(1): The employer shall establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and changes to facilities that affect a covered process.

The employer did not ensure that an MOC was written to manage the changes made on process piping. The employer violated this standard on or about March 31, 2011 when process piping to D-99, D-111, D-137 and D-138 was disconnected because it was below retirement thickness. The disconnection was done without going through MOC procedure, therefore P&IDs (PMCDs) were not updated once the isolation of thin piping to D-111, D-99, D-137, and D-138 was completed. These are secondary process piping circuits that contain hydrocarbon; and are used to test a level switch. It was not connected at the time of inspection.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that changes in process equipment and piping will be properly managed through MOC procedure. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 5500.00 |



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 1 Item 15** Type of Violation: **Serious**

29 CFR 1910.119(l)(2)(ii): The management of change procedures did not assure that the impact of the change on safety and health is addressed prior to any change:

Management of change procedures do not ensure that the employer adequately addresses the impact that MOC 200402007 (HCLA T/A: E-103 ABCDE Rupture Discs) would have on safety and health prior to implementing it. The employer failed to evaluate how the E-103 exchangers' rupture discs and the D-115 condensable blowdown drum would impact each other during a depressuring event to D-115. This violation was documented on or about April 21, 2011.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that the management of change procedures assure that the impact of the change on safety and health is addressed prior to any change. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 1 Item 16** Type of Violation: **Serious**

29 CFR 1910.119(m)(1): The employer did not investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of highly hazardous chemicals in the workplace:

The employer failed to investigate an incident in the hydrocracker unit which occurred when one of three check valves on the discharge of pump P-103 failed to close, causing the overpressure of well water tank TK-1 such that its hinged lid blew off, and resulting in the release of H<sub>2</sub>S that had backed into tank TK-1 from D-103, the high pressure separator, which contains hydrocarbons, H<sub>2</sub>, H<sub>2</sub>S, and NH<sub>3</sub>. This violation was documented on or about June 27, 2011.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that all incidents and near misses are investigated. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 1 Item 17** Type of Violation: **Serious**

29 CFR 1910.119(m)(4)(ii): The report prepared at the conclusion of the investigation of an incident which resulted in, or could reasonably have resulted in a catastrophic release of a highly hazardous chemical(s) in the workplace, did not include the date the investigation began:

a) The employer did not include the date the investigation began in the D-115 CBD Incident Investigation report for an incident that occurred on September 12, 2007. The date is required to determine whether the investigation was started within 48 hours as required. This violation was documented on or about April 06, 2011.

b) The employer did not include the date the investigation began in the HHLA-S F-201 Pressure Excursion Near Miss Incident Investigation report for an incident that occurred on February 7, 2006. The date is required to determine whether the investigation was started within 48 hours as required. This violation was documented on or about April 06, 2011.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that incident investigation reports contain all pertinent information, including the date the investigation began. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 3300.00 |



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 1 Item 18 Type of Violation: **Serious****

29 CFR 1910.119(m)(4)(iv): The report prepared at the conclusion of the investigation of an incident which resulted in, or could reasonably have resulted in, the catastrophic release of a highly hazardous chemical(s), did not include the factors that contributed to the incident:

The employer does not include all of the contributing factors in the D-115 CBD Incident Investigation report for an incident that occurred on September 12, 2007. The employer failed to address the cause of the C-101 compressor trip, which was one of the incident's initiating events, and the inadequacy of MOC 200402007, which was one of the root causes of the event. This condition was documented on or about April 21, 2011.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that incident investigation reports contain all pertinent information, including the factors that contributed to the incident. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 5500.00 |



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 1 Item 19 Type of Violation: **Serious****

29 CFR 1910.119(o)(1): The employer did not certify that it had evaluated compliance with the provisions of 29 CFR 1910.119 at least every three years to verify that the procedures and practices developed under the standard are adequate and being followed:

- a) The employer did not develop and implement a sampling strategy that would ensure statistical validity/significance and selection of a representative number of pressure vessel inspection records to review while conducting the 2007 compliance audit. This violation was documented on or about May 12, 2011.
- b) The employer does not develop and implement a sampling strategy that would ensure statistical validity/significance and selection of a representative number of pressure vessel inspection records to review while conducting the 2010 compliance audit. This violation was documented on or about May 12, 2011.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to make sure that a strategy is developed and implemented to ensure a representative number of vessels is chosen for evaluation, and that all incident investigation reports include the date the investigation began and the factors that contributed to the incident during compliance audits. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 1 Item 20** Type of Violation: **Serious**

29 CFR 1910.120 (q)(6)(i): Employees who participated, or were expected to participate, in an emergency response as first responders at the awareness level took further action beyond initiating an emergency response sequence to a hazardous release by notifying the proper authorities:

The employer failed to ensure that two employees identified as first responders at the awareness level acted within the limitations of their qualifications, by allowing an employee to perform air monitoring in an emergency response to an H2S release in the PCLA/Cat unit and allowing another employee to act as fire fighter against multiple small leaks and seal fires; both employees acted in a manner that was beyond initiating a response to a potentially hazardous release by notifying the authorities. This violation was documented on or about May 10, 2011.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that employees are trained to the level of response expected of them during emergencies. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 7000.00 |



## Citation and Notification of Penalty

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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### Citation 2 Item 1 Type of Violation: **Other**

29 CFR 1910.119(n): The employer did not establish and implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38:

a) The employer does not establish an emergency action plan in accordance with 29 CFR 1910.38(d) by failing to maintain an employee alarm system that complies with the requirement in 1910.165(b)(4) to declare the preferred method by which to report a unit-wide emergency and 1910.165(b)(5) to establish complete procedures for sounding the emergency unit-wide alarm that include what location(s) it can be sounded from, which person(s) to contact to sound the alarm, and by what means to make contact. This violation was documented on or about April 27, 2011.

b) The employer did not implement an emergency action plan in accordance with the provisions of 29 CFR 1910.38(c)(1) by failing to ensure that employees in an area of the hydrocracker that spans from north of compressor C-101 to south of drum D-103 could utilize their radios to execute procedures for reporting a fire or other emergency to the controllers at the Refinery Operations Control Center (ROCC). This violation was documented on or about May 06, 2011.

c) The employer failed to implement an emergency action plan in accordance with the provisions of 29 CFR 1910.38(c)(4) by not ensuring that the phone provided at the Mutual Aid Staging Area (Staging Area G) was fully functional and approved for use in a class 1, division 2, group C hazardous location in order to promote safe execution of procedures to account for employees after emergency evacuation via the Mutual Aid Route. This violation was documented on or about April 28, 2011.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that the Emergency Response Plan is established and implemented in accordance with the provisions of 29 CFR 1910.38. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 1100.00 |



**Citation and Notification of Penalty**

**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805

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**Citation 2 Item 2** Type of Violation: **Other**

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

The employer did not maintain the telephone provided at the Mutual Aid Staging Area (Staging Area G) in the condition necessary for it to be utilized in the class 1, division 2, group C hazardous location for which it was approved. The employer failed to ensure that the plate protecting the electrical components from the atmosphere/ambient air remained affixed to the phone. This violation was documented on or about April 28, 2011.

Pursuant to 29 CFR 1903.19(d), within 10 days, the employer must submit an abatement plan describing the actions it is taking to ensure that the equipment at Staging Area G is maintained such that it is approved for the hazardous location. The violation must be abated no later than 10 days from the receipt of this citation.

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 09/29/2011 |
| Proposed Penalty:                       | \$ 1100.00 |

  
DORINDA FOLSE  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Suite 201  
9100 Bluebonnet Centre  
Baton Rouge, LA 70809-2985  
Phone:(225)298-5458 FAX: (225)298-5457



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** ExxonMobil Refining & Supply Company  
**Inspection Site:** 4045 Scenic Highway, Baton Rouge, LA 70805  
**Issuance Date:** 09/12/2011

**Summary of Penalties for Inspection Number 314769704**

|                                 |      |                  |
|---------------------------------|------|------------------|
| <b>Citation 1, Serious</b>      | = \$ | <b>124400.00</b> |
| <b>Citation 2, Other</b>        | = \$ | <b>2200.00</b>   |
| <b>TOTAL PROPOSED PENALTIES</b> | = \$ | <b>126600.00</b> |

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 5%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges.** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs.** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
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DORINDA FOLSE  
Area Director

September 12, 2011

Dorinda Folse, Area Director  
U.S. Department of Labor - OSHA  
9100 Bluebonnet Centre, Suite 201  
Baton Rouge, LA 70809-2985

RE: ExxonMobil Refining & Supply Company  
PO Box 551  
Baton Rouge, LA 70821  
OSHA Inspection: 314769704

**LETTER OF CORRECTIVE ACTION**

PLEASE FILL IN ABATEMENT/CORRECTION METHOD INCLUDING DATE COMPLETED FOR EACH ITEM CITED AND RETURN TO THE AREA DIRECTOR. Supporting documentation may be included with this letter; e.g., drawings/photographs, purchase/work orders, air sampling results, or any other related information to show corrections. A written copy of the Hazard Communication Program, Lockout/Tagout Program, Respiratory Program, Hearing Conservation Program, and Bloodborne Pathogens Program, if covered on the referenced citation, **must** also be included with this letter of corrective action.

When the item indicates **CORRECTED DURING INSPECTION**, the compliance officer witnessed the abatement/correction during the inspection, and no response is required. Other responses are due by unless amended by modified abatement date.

THIS INFORMATION MAY BE WRITTEN BELOW, ON THE REVERSE SIDE OR ON ATTACHED PAGES IF NECESSARY.

| <u>CITATION NO.</u> | <u>ITEM NO.</u> | <u>METHOD OF CORRECTION</u> | <u>DATE CORRECTED</u> |
|---------------------|-----------------|-----------------------------|-----------------------|
|---------------------|-----------------|-----------------------------|-----------------------|

\_\_\_\_\_  
For The Employer

\_\_\_\_\_  
Date

NOTE: 29 USC 666.(g): Whoever knowingly makes false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months or both.