

Philadelphia Refining Complex



Philadelphia Energy Solutions
Refining and Marketing LLC
3144 Passyunk Avenue
Philadelphia, PA 19145
215 339 2000

July 18, 2019

VIA ELECTRONIC CORRESPONDENCE

Gary Malone
Senior Special Agent/Certified Explosives Specialist
ATF Philadelphia Arson & Explosives Task Force
200 Chestnut Street, Suite 504
Philadelphia, PA 19106
(215) 446-9614
Gary.Malone@atf.gov

Re: July 11, 2019 ATF Information Request

Dear Mr. Malone:

In connection with the above-referenced request by the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), Philadelphia Energy Solutions Refining and Marketing LLC ("PES" or "Company") is providing you with information and documents. Specifically, PES is providing you with information responsive to requests we have numbered for document tracking purposes as 01ITEM03, 01ITEM09, 01ITEM11, 01ITEM12, 01ITEM13, 01ITEM14, 01ITEM18, 01ITEM19, 01ITEM20, and 01ITEM22.

In compiling the production of the enclosed documents, we have focused on gathering in an expedient manner readily available information responsive to your requests in an effort to promptly assist you in your investigation. If you require additional information, please let us know.

Please note that some of the information that the Company is providing constitutes trade secrets and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208. Specific documents have been marked CBI where appropriate. Please treat these documents and the information they contain as confidential, and provide the Company written notice of any request to release CBI or trade secrets, as provided by the Freedom of Information Act or equivalent state law. Additionally, please also note that some of the information the Company is providing constitutes Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also exempted from public disclosure under 49 U.S.C. Section 40119(b).

01ITEM03: 433 Unit Alarm Log

RESPONSE: The Company provides an export of alarm data from 433, 431, and 331 Units, dated from 8:00 a.m. on June 14, 2019 through 8:00 am on June 21, 2019. This is Bates-Labeled PES-ATF-000024.

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01ITEM09: Operation site mitigation/safety plan for Hydrofluoric Acid in 433 Unit

RESPONSE: The Company provides the following documents in response to this request:

- Hazardous Waste Operations (HAZWOPER) Hydrofluoric Acid and Emergency Response Manual (OSHA 1910.120);
- Procedure PES-PH-OPS-PRO-433-HFAU-433-1006, Hydrofluoric Acid Alkylation Process Hazard Management Plan; and
- 433 Unit Emergency Response Pre-Plan, which includes fire prevention program information.

This information is Bates-Labeled PES-ATF-000025 through PES-ATF-000220.

01ITEM11: Timeline of events created by investigative team

RESPONSE: The Company refers ATF to the timeline produced on July 3, 2019, Bates-Labeled PES-ESC-000056. This timeline depicts a high-level chronology of events that are under consideration by PES' investigation team in connection with the June 21, 2019 incident.

01ITEM12: Blast debris field mapping created by investigative team

RESPONSE: The Company provides a Site Development Plot Plans Building and Structures diagram, which was augmented by the investigation team to depict initial identified debris points on June 25, 2019. This information Bates Labeled PES-ATF-000221. PES notes that more up-to-date information regarding debris location may become available as the evidence preservation and collection process progresses.

01ITEM13: PKS data from the morning of June 21, 2019, 3:00 AM – 6:00 AM

RESPONSE: The Company provides an export of Distributed Control System ("DCS") data relating to the 433, 431, and 331 Units from 12:00 a.m. on June 21, 2019 to 8:20 a.m. on June 21, 2019, Bates-labeled PES-ATF-000222.

01ITEM14: Injury reports for employees who responded to incident.

RESPONSE: The Company notes that information provided in response to this request contains personally identifying information of employees, and requests that ATF maintain this information as confidential. Based on information available to date, the Company prepared a list of workers who reported physical injuries on June 21, 2019:

- Theodore Bender, 433 Unit Operator, abrasions to right and left shins
- Sean McElhinney, 433 Unit Operator, superficial thermal facial burn;
- John Neal, 531 Unit Operator, superficial thermal burn on neck and back of head
- Gerald Reilly, Point Breeze Shift Supervisor, bruised rib and superficial thermal burn on head; and
- Michael Terranova, 433 Unit Operator, contact blisters from fire boot rubbing.

01ITEM18: Mass-ratios of the iso-butane, hydrofluoric acid, and propane in the treater-feed-surge-drum.

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RESPONSE: The Company provides Maximum Intended Inventories data for V-1 in the 433 Unit, Bates labeled PES-ATF-000223.

01ITEM19: Instrumentation readings that show the pressure in the treater-feed-surge-drum at the time of failure.

RESPONSE: The Company refers ATF to the PKS data provided in response to 01ITEM13, Bates-Labeled PES-ATF-000222. Tag 43PR022 provides the pressure indication for V-1. We understand from our subject matter experts, however, that pressure indicators in the vicinity of the initial explosion were damaged and stopped providing accurate readings at that time.

01ITEM20: Pressure relief valve setting on the drum and what a typical setting would have been.

RESPONSE: The Company provides safety relief valve design case information relating to V-1, Bates labeled PES-ATF-000224 through PES-ATF-000240.

01ITEM22: Identify where in the process the treater-feed-surge-drum was located on the figure provided by ATF.

RESPONSE: The surge drum is located upstream of the equipment depicted in the figure provided by ATF. The Company provides a diagram from a process manual that depicts this drum. We have indicated the drum by enclosing it in a red box. This information is Bates-Labeled PES-ATF-000241.

The Company reserves its rights related to the inadvertent disclosure of attorney-client information or work-product information included in this production. Under Federal Rule of Evidence 502, the disclosure of such information does not operate as a waiver in a federal or state proceeding if: (1) the disclosure is inadvertent, (2) the Company took reasonable steps to prevent the disclosure, and (3) the Company took reasonable steps to rectify the error. FED. R. EVID. 502(b). "The rule applies to inadvertent disclosures made to a federal office or agency, including but not limited to an office or agency that is acting in the course of its regulatory, investigative or enforcement authority." Explanatory Notes, Rule 502, Judicial Conference Advisory Committee on Evidence Rules, revised Nov. 28, 2007. Please immediately notify me if you discover information in this production that suggests the document is subject to the attorney-client privilege or protected by the work-product doctrine. If you have any questions, please contact me.

Very truly yours,



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Enclosures