



April 3, 2026

RE: Sable Offshore Corp. Request for Special Permit
Docket No. PHMSA-2026-0464

Sable Offshore Corp. (Sable) writes to submit its comments in support of its January 22, 2026 application for special permit. As discussed in the application, Sable operates the interstate Santa Ynez Pipeline System (SYPS), running from the Outer Continental Shelf (OCS) to California.

Sable seeks a narrow waiver of a provision of the Part 195 regulations (49 CFR Section 195.452(h)(4)(iii)(H)) pertaining specifically to longitudinal seam weld corrosion for two segments of the SYPS – CA-324 and CA-325. Sable conservatively seeks a waiver of this narrow requirement as a means of establishing heightened safety measures for these segments and to implement certain provisions of a 2020 Consent Decree¹ addressing cathodic protection shielding for these segments.

Granting waiver of this Part 195 provision would not present any pipeline safety or integrity concerns, due to the enhanced integrity requirements that would be established in the special permit. These proposed special permit conditions include, among others, significantly increased frequency of in-line inspection (ILI) tool runs using state-of-the-art tools that are highly sensitive to accurately characterize the range of anomalies that may be found on the pipelines, and more stringent anomaly repair criteria as compared to the base requirements in 49 CFR Section 195.452 to require repair of identified anomalies long before they pose integrity risks.

These proposed conditions were previously found by the California Office of the State Fire Marshal (OSFM) to be protective and consistent with public safety, when it issued in 2024 State Waivers to Sable for the same segments and with substantially the same conditions. Moreover, as noted by Michael Rosenfeld, PE - a renowned pipeline safety expert with decades of experience in metallurgical failure analysis of pipelines, and who has served as principal investigator on numerous research projects funded by PHMSA and the American Society of Mechanical Engineers (ASME) – the conditions in the proposed special permit are appropriate measures for pipelines with shielded cathodic protection to facilitate the timely identification and repair of anomalies long before corrosion-related pipe failures could possibly occur at the operating pressures expected on the segments. Rosenfeld further noted that the proposed ILI assessment schedule under the special permit would be far more frequent than almost any pipeline in the county.

Further discussion of the appropriateness of the measures proposed in Sable's application can be found in the attached 2025 Declaration by Rosenfeld submitted in a California state court

¹ *United States, et al. v. Plains All American Pipeline, LP, et al.*, No. 20-CV-02415 (C.D. Cal.).

proceeding² involving the OSFM State Waivers (which, as noted above, involve substantially the same conditions as those proposed for this special permit).

Granting the proposed special permit would also serve important public interests. On March 13, 2026, the United States, through the Secretary of the Department of Energy, issued an order directing Sable to immediately commence transportation of hydrocarbons through the SYPS, including segments CA-324 and CA-325, pursuant to the Defense Production Act, 50 U.S.C. §§ 4501 et seq. (“DPA Order”). The DPA Order, based on the declaration of a national energy emergency pursuant to E.O. 14156, found that resuming flow through the SYPS is “necessary and appropriate to promote the national defense and to maximize domestic energy supplies where those supplies of materials, services, and facilities are scarce, critical, and essential to maintain or expand exploration, production, refining, or transportation and maintenance or expansion of exploration, production, refining, transportation cannot reasonably be accomplished” without the DPA Order.

Sable has since complied with the DPA Order and resumed transportation of hydrocarbons through the pipeline segments, pursuant to the procedures set out in its Restart Plan and consistent with Appendix D to the Consent Decree. Sable has committed to implementing the conditions of the 2025 Emergency Special Permit in the interim while PHMSA’s review of the proposed special permit is pending. Grant of the proposed special permit would facilitate Sable’s continued implementation of the DPA Order and the important national interests it is intended to further, while carrying over the above-described conditions from the State Waivers and Emergency Special Permit to achieve a level of safety that is superior to that which would be achieved under the baseline Part 195 regulations.

In summary, the proposed special permit is fully consistent with pipeline safety, and serves important public interests in support of the national defense and the nation’s energy supply and security. Sable encourages PHMSA to grant the special permit.

Respectfully submitted,



J. Caldwell Flores
President and Chief Operating Officer
Sable Offshore Corp.

² *Environmental Defense Center, et al., v. California Dept. of Forestry and Fire Protection, et al. and Sable Offshore Corp., et al.*, No. 25CV02247 (Cal. Super. Ct., Santa Barbara Cnty.).

ATTACHMENT A

Declaration of Michael Rosenfeld, PE

Environmental Defense Center, et al., v. California Dept. of Forestry and Fire Protection, et al. and Sable Offshore Corp., et al., No. 25CV02247 (Cal. Super. Ct., Santa Barbara Cnty.).

July 7, 2025

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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF SANTA BARBARA**

16 ENVIRONMENTAL DEFENSE CENTER, et al.,
17
18 Petitioners and Plaintiffs,

19 v.

20 CALIFORNIA DEPARTMENT OF FORESTRY
AND FIRE PROTECTION, et al.,

21 Respondents and Defendants,

22 and

23 SABLE OFFSHORE CORP., et al.,
24
25 Real Parties in Interest.

Case No. 25CV02247

Assigned for all purposes to:

Hon. Donna D. Geck

**DECLARATION OF MICHAEL J.
ROSENFELD IN SUPPORT OF REAL
PARTIES' MOTION TO STRIKE THE
DECLARATION OF RICHARD B.
KUPREWICZ**

*[Filed concurrently with Notice of Motion
and Motion to Strike Declaration of Richard
B. K.; [Proposed] Order]*

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1 **DECLARATION OF MICHAEL J. ROSENFELD**

2 I, Michael J. Rosenfeld, declare as follows:

3 1. My name is Michael J. Rosenfeld and I am a mechanical engineer. I have been engaged
4 by Alston & Bird LLP, counsel to Sable Offshore Corp. (Sable) and Pacific Pipeline Company,¹ to provide
5 my expert opinions as to the Declaration of Richard Kuprewicz submitted to the Superior Court of the
6 State of California, County of Santa Barbara, in the matter of Case Nos. 25CV02244 and 25CV02247.
7 Below, I provide my qualifications to provide these expert opinions. I have personal knowledge of the
8 matters set forth in this Declaration, and if called as a witness, I could and would testify competently
9 thereto.

10 **I. Introduction**

11 2. The purpose of this report is to critically review and interpret the Declaration of Richard
12 Kuprewicz submitted to the Superior Court of the State of California, County of Santa Barbara, in the
13 matter of Case Nos. 25CV02244 and 25CV02247. These cases concern the return to service of Lines 324
14 and 325A/B of the Las Flores Pipeline System, operated by Sable Offshore (Sable) and Pacific Pipeline
15 Company (PPC). I was asked to perform this review and prepare this report by Alston & Bird, LLP on
16 behalf of Sable and PPC.

17 3. I am qualified to give my professional opinion in this matter by education and experience.
18 My current position is Chief Engineer at RSI Pipeline Solutions, LLC, a pipeline engineering consulting
19 firm. I am a mechanical engineer by training receiving a Bachelor of Science in Engineering from the
20 University of Michigan in 1979, and Master of Science in Engineering from Carnegie-Mellon University
21 in 1981. I have been involved with petroleum and natural gas pipelines since the late 1980s. My
22 experience includes performing numerous metallurgical failure analyses having direct causes including
23 but not limited to pipe seam defects, girth weld defects, corrosion of various types, stress-corrosion
24 cracking, hydrogen assisted cracking, fatigue cracking due to the effects of cyclic pressure or vibration,
25 and excessive loading due to geohazards. I have also performed numerous root cause failure investigations
26

27 ¹ Pacific Pipeline Company (PPC) is a wholly owned subsidiary of Sable Offshore Corp. For the purpose of this
28 declaration, references to Sable or PPC as owner/operator of the pipeline system have the same meaning and may be used
interchangeably.

1 in which various management gaps such as inadequate specifications or procedural errors were causal.
2 My experience also includes analysis of pipeline stresses, evaluation of pipeline fitness for service,
3 analysis of in-line inspection (ILI) data, development of technical procedures and integrity management
4 plans, regulatory compliance, and training in codes and standards. I have also been principal investigator
5 in several research projects funded by pipeline interest groups including PHMSA, ASME, API, and GRI.
6 I also have held executive positions in pipeline safety standards development committees. A true and
7 correct copy of my curriculum vitae is attached hereto as **Exhibit A**.

8 **II. Conclusions**

9 4. As will be demonstrated in the sections that follow, Mr. Kuprewicz fails to take into
10 account:

- 11 a) Known facts about the 2015 Line 901 incident;
- 12 b) Known contributing factors and deficiencies related to the operation and integrity
13 management of the former Line 901 under the previous owner and operator of the
14 facility;
- 15 c) Requirements of the Corrective Action Order (CAO) and Consent Decree (CD)
16 issued by the Pipeline and Hazardous Materials Safety Administration and
17 additional requirements imposed by the Office of the State Fire Marshall (OSFM)
18 that correct the operational and integrity management deficiencies that were causal
19 or contributed to the 2015 incident; and
- 20 d) Other known facts that are contrary to the positions stated in Mr. Kuprewicz's
21 opinions.

22 5. By not accounting for these important facts Mr. Kuprewicz has set forth positions that are
23 unfounded. To the extent that opinions were made without relevant information, they are uninformed and
24 speculative. To the extent that relevant facts were knowable from information available to anyone in the
25 public domain but were not considered or accounted for, his opinions were not based on evaluation
26 performed to a reasonable standard of engineering practice. To the extent that such facts were known by
27 him and deliberately omitted, or positions were stated to the contrary, Mr. Kuprewicz's opinions are biased
28 or deceptive.

1 6. Mr. Kuprewicz concludes in Paragraph 11 of his Declaration that the Las Flores Pipeline
2 System is not safe to operate even if it meets the OSFM state waivers. He also states in Section X of his
3 Exhibit B that the Las Flores Pipeline System is unusually dangerous due to its age and design flaws.
4 These are pejorative statements built on an aggregation of claims made without supporting data, and which
5 should be disregarded as nonfactual and noncredible. He has provided no data, scientific or engineering
6 analysis, or factual evidence that supports these opinions.

7 **III. Review and Interpretation of the Kuprewicz Declaration**

8 **A. Declaration Review Process**

9 7. This review steps through the Declaration prepared by Mr. Richard Kuprewicz and
10 supporting Appendices point by point. His positions are interpreted and critically evaluated to assess
11 whether they are based on fact and science.

12 8. Documents that I have reviewed and relied on in addition to Mr. Kuprewicz's Declaration
13 are listed in the references attached hereto (See Section IV Below).

14 **B. Mr. Kuprewicz's Technical Issues and Opinions**

15 **1. Kuprewicz Technical Issues in Paragraph 8**

16 9. Mr. Kuprewicz identified five technical issues with the proposed restart of the San Flores
17 Pipelines in Paragraph 8 of his Declaration. They are repeated here verbatim:

- 18 a. The design of the Pipelines renders the federal mandated cathodic protection system,
19 intended to help address pipeline external corrosion, ineffective.
- 20 b. Current inline inspection (ILI) technologies cannot adequately assess all forms of external
21 corrosion threats that most likely exist on the Pipelines.
- 22 c. The high operating temperatures needed to reduce the viscosity of the heavy crude oil
23 significantly accelerate all forms of external pipeline corrosion that will not be mitigated
24 by the ineffective cathodic protection system once the Pipelines go into operation.
- 25 d. Segments at risk of corrosion related cracking (i.e., stress corrosion cracking or selective
26 seam corrosion cracking) are at the highest risk of failure.
- 27 e. The poorly designed Pipelines cannot be made as safe as new pipelines.

1 magnetic corrosion product. A second ILI technology to be used is the transverse-field MFL (also called
2 circumferential MFL or MFL-C), specifically designed and configured to detect selective seam weld
3 corrosion (SSWC) in the ERW seams (although, as will be discussed later, there is a low probability of
4 SSWC in Line 324), as well as narrow axial external corrosion if it is present in Line 325A/B. A third ILI
5 technology is UT crack detection, which is capable of detecting stress-corrosion cracking (SCC) colonies,
6 although as will be discussed later there is a low probability of SCC being present. Industry experience
7 has been that multiple tool technologies significantly increases the probability of detection of many
8 conditions of interest in the pipeline. [Ref: Thompson, et al; Harris]

9 12. Corrosion management is about more than ILI detection, since detection capabilities are
10 generally good even when an ILI tool is performing sub-optimally. Three other important enhancements
11 specified by the OSFM state waiver, that Mr. Kuprewicz fails to account for in an apparent attempt to bias
12 the reader of his statement, are the frequency of ILI inspections, the required ILI field validation, and run-
13 to-run comparisons to identify changes and rates of change in the condition of the pipeline. Notably, Sable
14 will be required to run each ILI tool type *twice per year in the first two years and annually thereafter*.
15 This is far more often than almost any other pipeline in the US. *The current regulations call for ILI*
16 *surveillance to take place once every five years*. The frequent ILI will give Sable multiple opportunities
17 to assess the tool performance, work with the ILI vendor to regrade the results based on field findings,
18 and multiple chances to understand the condition of the pipeline before serious corrosion can occur. The
19 previous operator's practices in these areas were not anywhere nearly as robust.

20 **c. Technical issue (c)**

21 13. Mr. Kuprewicz is concerned about the elevated operating temperature of the pipeline
22 causing high corrosion rates. This is a well-known phenomenon. Mr. Kuprewicz has not considered the
23 frequent ILI and corrosion growth rate assessments required by the OSFM state waiver will make it
24 possible to become aware of corrosion rates and corrosion growth often enough to respond with repairs
25 on a timely basis.

26 **d. Technical issue (d)**

27 14. Mr. Kuprewicz states that segments at risk of environmental cracking are at the highest
28 risk of failure. He is referring to SCC and apparently SSWC. As will be discussed later, these are the

1 least likely forms of degradation to affect the pipelines. The 2015 failure was not due to environmental
2 cracking, no environmental cracks were observed in the investigation of that failure, and ILI tools capable
3 of detecting these conditions will be used on a much more aggressive schedule in the future by Sable. Mr.
4 Kuprewicz is opining about occurrences of environmental cracking that are not and have never been
5 identified or found by any inspection or report, as reflected in the publicly available materials relative to
6 the 2015 failure. This is an effort to fabricate facts concerning the integrity of the Pipeline which Mr.
7 Kuprewicz knows are baseless.

8 **e. Technical issue (e)**

9 15. Mr. Kuprewicz asserts that the pipelines cannot be made as safe as a new pipeline. He
10 provides no technical information to back this statement. The pipelines have been pressure tested to prove
11 strength and frequently inspected using various technologies to monitor their condition. All new pipelines
12 become old pipelines, the question is how those pipelines are monitored and maintained. Here the
13 monitoring and maintenance program required by the regulators and the Consent Decree are state of the
14 art. Again Mr. Kuprewicz's statement with respect to the need for a new pipeline is without any
15 foundation or justification.

16 **2. Kuprewicz Opinions in Paragraph 10**

17 16. Mr. Kuprewicz expressed five opinions in Paragraph 10 of his Declaration. They are
18 repeated verbatim as follows:

- 19 a) The reliance on ILI technology to identify corrosion threats before failure is
20 misplaced because such tools can miss a lot of cracks. There are multiple forms of
21 corrosion on the Pipelines, and ILI is insufficient to detect some of them.
- 22 b) The proposed hydrotests are also insufficient to address certain types of corrosion
23 or predict corrosion growth. For example, Maximum Operating Pressure ("MOP")
24 hydrotests are not adequate to test for crack forming potential on the Pipelines.
- 25 c) The State Waivers do not assure adequate spike hydrotesting, which is a method to
26 address various forms of crack forming potential. The values for the spike test on
27 Line 324 are too low for corrosion cracking screening and evaluation. Hydrotesting
28 for Lines 325 A and B must be conducted in segments given the elevation changes.

1 It is unclear, however, whether the testing parameters are adequate for Line 325A
2 due to missing information. In addition, the Waivers do not appear to require any
3 hydrotesting for Line 325B.

4 d) A key corrosion performance tracking process set in the State Waivers for the
5 Pipelines is missing. This information, which helps identify possible corrosion “hot
6 spots,” is especially important given the history of extensive corrosion on the
7 Pipelines.

8 e) The State Waivers will not provide an equal or greater level of safety as if the
9 Pipelines were equipped with an effective cathodic protection system to avoid
10 pipeline failure due to external corrosion. The current design of the Pipeline renders
11 the cathodic protection system ineffective. External corrosion on the Pipelines is
12 exacerbated by operation of the Pipelines at elevated temperatures, which seriously
13 increases the corrosion rate.

14 **a. Opinion (a)**

15 17. There are multiple components of this opinion to examine. The first is that Mr. Kuprewicz
16 states a logical inconsistency: that “because ILI tools can miss a lot of cracks”, reliance on ILI to find
17 corrosion is misplaced. This is illogical because crack detection tools and corrosion detection tools are
18 not the same tools and use different technologies. Corrosion tools indeed will “miss a lot of cracks”
19 because they are not designed to detect cracks – ultrasonic crack detection tools specified for use by the
20 OSFM in the state waiver are the appropriate tools for crack detection. ILI tools targeting corrosion on the
21 other hand, specifically the magnetic and ultrasonic metal loss tools specified in the state waiver, are
22 designed to detect corrosion and are effective for that purpose. Informed pipeline operators understand
23 these differences and select the tool type(s) appropriate for the condition(s) they must manage. The OSFM
24 state waiver specifies that magnetic and ultrasonic metal loss tools, and ultrasonic crack detection, tools
25 be used. Neither of the ultrasonic technologies were used by the prior operator. The state waiver
26 introduces significant additional diversity to the inspection capabilities. Industry experience has been that
27 using multiple tool technologies and integrating the ILI data significantly improves the probability of
28 detecting, characterizing, and sizing features of interest in the pipeline.

1 18. The second is Mr. Kuprewicz states that multiple forms of corrosion are present on the
2 pipeline(s) but does not describe the different forms of corrosion he claims are present. The Line 901
3 failure analysis [Ref: DNV-GL, Appendix M to PHMSA FIR] and PHMSA’s incident investigation [Ref:
4 PHMSA FIR] did not identify different forms of corrosion contributing to the failure, nor differing forms
5 of corrosion being present on other parts of the pipeline. Mr. Kuprewicz has not reviewed the results of
6 field digs to investigate corrosion analysis already performed by Sable, in response to ILI, to determine
7 what different types of corrosion are present. His statement is entirely speculative without reviewing any
8 factual data.

9 19. The third point is that Mr. Kuprewicz states that ILI is inadequate to detect some forms of
10 corrosion though he does not state what those undetectable forms of corrosion are. All ILI tools have
11 lower thresholds of detectable flaw size; detection and sizing performance differ with the size and
12 orientation of the flaws. Taken together, the different tool technologies to be used by Sable are capable
13 of detecting various forms of corrosion if they are present and of detectable size, including pitting
14 corrosion, general corrosion, corrosion along or adjacent to seams, narrow axially aligned corrosion, and
15 other forms of corrosion. Furthermore, tool performance improves with large pipe such as Lines 324 and
16 325 because more sensors and supporting components can be fitted in the larger circumference, and
17 defects of concern are proportionally larger and easier to detect, compared with small pipe sizes. [Ref:
18 Nestleroth & Rosenfeld]

19 **b. Opinion (b)**

20 20. Mr. Kuprewicz states that the hydrotests are insufficient to address certain types of
21 corrosion but does not state which types of corrosion are at issue. To identify all potential corrosion leaks,
22 Sable has been required by the OSFM state waiver to significantly enhance its computational leak
23 detection technology, an area in which the prior operator was grossly deficient. The frequency of
24 inspections specified by the OSFM state waiver will give multiple opportunities to identify such features
25 versus the prior operator.

26 21. Mr. Kuprewicz also states that the MOP hydrotests are not adequate to test for crack
27 forming potential. He seems confused about the purpose of the hydrostatic pressure tests, which is to
28 demonstrate that no defects, whether corrosion, cracks (of any type), or other degradation is present and

1 having a severity significant enough to threaten the safe operation *at the time of the test*, which holds the
2 pressure at 1.5 X MOP for a period of fifteen minutes, followed by an eight hour test at 1.25 X MOP. In
3 other words, the purpose is to demonstrate the current condition of the pipeline is safe with a known factor
4 of safety. Mr. Kuprewicz does not demonstrate by any rational engineering analysis why the pressure tests
5 performed are inadequate for a plausible postulated crack growth scenario.

6 **c. Opinion (c)**

7 22. Mr. Kuprewicz makes several statements in his Opinion (c) that merit examination. Firstly,
8 he states that the State Waivers do not assure adequate spike hydrotesting (in Line 324), which he describes
9 as “a method to address various forms of crack forming potential”. Mr. Kuprewicz seems confused about
10 the purpose of the spike hydrostatic test. It is a technique for mitigating stress corrosion cracking (SCC)
11 or manufacturing defects in certain older vintage seam types having low ductility, where effective ILI for
12 cracks is unavailable (which was the case in 1979 when the spike test concept was first proposed). [Ref:
13 Baker Engineering & Kiefner & Assoc., TTO-6; Rosenfeld]. The test concept presumes that unknown
14 cracks are present and recognizes that holding a crack at the near-failure point could cause damage during
15 the test leading to failure even if the crack is not a threat at the operating pressure. The spike test is
16 conducted by taking the pipeline to a very high pressure for a short period of time (just a few minutes is
17 sufficient) to force any significant cracks to fail while minimizing subcritical crack growth in those that
18 do not fail, then lowering pressure to no more than 90% of the high level to avoid further damage to
19 surviving cracks and holding at the reduced pressure to confirm a lack of leaks. The test has nothing to
20 do with the potential to form cracks – if conditions are favorable to cracks forming, they could form just
21 as easily after the hydrotest is completed. Since crack detection ILI has been and will be performed, a
22 spike test is really unnecessary. The ILI will be more sensitive than the pressure test. However, OSFM
23 has made the spike test a condition of its state waiver for Line 324 out of an abundance of caution as the
24 responsible regulatory authority, which is their public duty and prerogative.

25 23. Related to the above point, Mr. Kuprewicz states that the spike hydrostatic test is too low
26 for “corrosion cracking screening and evaluation”. Presumably by “corrosion cracking”, which is not an
27 industry-standard term, he is referring to stress-corrosion cracking (SCC). Even though SCC cracking
28 was not identified in the course of the Line 901 failure investigation, consistent with the PHMSA Advisory

1 Bulletin the OSFM has required an ultrasonic crack detection ILI and transverse field magnetic ILI, which
2 together or individually can indicate the presence of SCC large enough to pose a future threat. The spike
3 hydrostatic test to 1.5X MOP is adequate to prove the current integrity of the pipeline with a factor of
4 safety of 1.5, and demonstrate that significant SCC that is a current threat at the MOP is not present. If
5 less significant SCC is present, it will not be revealed by the test, though it can be expected to be revealed
6 by the crack detection ILI.

7 24. Mr. Kuprewicz notes that due to elevation changes along the route, the pipeline must be
8 pressure tested in multiple test segments. Had Mr. Kuprewicz reviewed the hydrotest plans he would have
9 noted that the hydrotest of the pipelines was broken up into eight different segments to conform to the
10 elevation changes associated with the pipeline. This is a common aspect for any and all pipelines installed
11 in anything but flat terrain and must be accounted for in the test plan. It can increase testing cost, but it is
12 not unique to the Las Flores Valley Pipeline System, pipeline engineers understand how to test in hilly
13 terrain, and it is not a reason to object to the testing.

14 25. He also states that it is unclear whether the testing is adequate for Line 325A due to his
15 lack of data. In that case, Mr. Kuprewicz is speculating and has no basis in fact for objecting.

16 **d. Opinion (d)**

17 26. Mr. Kuprewicz states that a key corrosion tracking process is missing from OSFM's state
18 waiver for identifying corrosion "hot spots". He does not describe the corrosion tracking process that is
19 missing, nor does he define "hot spot" though presumably he means it as a localized area of corrosion
20 having a growth rate that is greater by a vague, undefined amount than is typical of other parts of the
21 pipeline. The OSFM state waiver requires aggressive ILI run frequencies and dig response criteria in
22 order to produce a robust corrosion tracking process. ILI for corrosion must be performed twice annually
23 the first 2 years and annually thereafter, which is far more frequently than every 5 years practiced with
24 most pipelines. ILI for cracks must be performed annually, which is also far more frequent than the 5 year
25 interval practiced with most other pipelines. Metal loss of 40% of the wall thickness or more, accounting
26 for tool performance, must be investigated within 6 months. This is also unusually stringent and accounts
27 for potential growth during the interval between running ILI and responding in the field. OSFM also
28 requires a procedure for estimating corrosion growth rates from comparisons of multiple ILI runs and for

1 making projections for when each corrosion feature will attain a depth of concern. As the regulatory
2 authority, the OSFM will have the right to review all such information at any time and perform its own
3 analysis. OSFM’s conditions appear to be designed to make it highly unlikely that a corrosion “hot spot”
4 will go unnoticed for long.

5 **e. Opinion (e)**

6 27. Mr. Kuprewicz objects that the OSFM state waiver will not provide the same level of safety
7 as a pipeline with effective cathodic protection (CP), due to the characteristics of the coating system. The
8 OSFM has taken this into consideration — performing ILI frequently enough to indicate and size corrosion
9 is an important alternative risk mitigation and barrier against corrosion failure where CP will be
10 ineffective. Mr. Kuprewicz provides no risk assessment showing that frequent ILI cannot offset risk due
11 to ineffective CP.

12 28. Moreover, Mr. Kuprewicz provides no risk analysis accounting for the numerous
13 improvements and upgrades to the facility and operating practices that demonstrates that the pipeline will
14 be inadequately safe. The OSFM, as a regulatory agency having responsibility in risk-critical subject
15 areas, understands risk analysis and applies risk models to its decisions. Moreover, OSFM has performed
16 extensive fact-based analysis of the pipelines at issue and has personally inspected the repairs and
17 upgrades to the pipelines in conformance with the state waivers.

18 29. Mr. Kuprewicz also objects that due to the elevated operating temperatures, corrosion rates
19 will be “seriously increased”. This was observed to be the case with the former Line 901 failure. It is an
20 understood phenomenon and is not unique to the Las Flores Pipeline system. Other heated oil pipelines
21 are operated in the US. The OSFM requires measures be in place to ensure the pipelines are operated
22 safely under these conditions. The fact that the previous operator applied inadequate methods to estimate
23 corrosion rates does not mean that it cannot be done. In fact, pipeline operators do this often, and the
24 OSFM state waiver requires a process to do that, accounting for tool performance and measurement
25 uncertainty.

26 **C. Positions Stated in Kuprewicz’s Declaration Exhibit B**

27 30. Mr. Kuprewicz supplements his five technical concerns in Paragraph 8 and five main
28 opinions in Paragraph 10 with additional statements in his Declaration and Exhibits B and C. These will

1 also be critically examined. The following discussion refers to Sections V through X from his Exhibit B
2 “Evaluation of Las Flores Pipeline System Startup Proposal”, Dec. 20, 2024.

3 **1. Section V. TIMP Regulations Are Not Working**

4 **a. Inadequacy of TIMP Regulations**

5 31. Mr. Kuprewicz states that transmission integrity management planning (TIMP) regulations
6 are not working to protect the public. This is demonstrably false. PHMSA’s own data available to anyone
7 with an internet connection [Ref: www.phmsa.dot.gov] shows that TIMP along with improved technology
8 and operator focus is gradually reducing the running average incident metrics for hazardous liquid
9 pipelines over the past 20 years:

Reference period	Avg. Annual Incident Count	Avg. Annual Barrels Spilled	Avg. Annual Barrels Lost
3-yr Avg (2022-2024)	294	63,300	32,618
5-yr Avg (2020-2024)	312	81,959	48,946
10-yr Avg (2015-2024)	364	85,502	51,394
20-yr Avg (2005-2024)	367	89,261	51,450

15 32. It should be noted that approximately 80% of the reported incidents occurred within
16 facilities such as pump stations, terminals, and tankage farms, rather than on the pipeline right-of-way,
17 with valves and equipment being the largest component. Those causes are not managed by a TIMP
18 program. Essentially, Mr. Kuprewicz’s complaint is with PHMSA, not Sable, and his complaint is
19 understood as TIMP not reducing incidents enough to suit him personally. Mr. Kuprewicz also seems to
20 be confusing regulatory compliance with actual safety, a common thought bias.

21 33. Mr. Kuprewicz states “pipeline integrity management tools are not a substitute for proper
22 pipeline design or effective cathodic protections. Their purpose is simply to monitor the condition of
23 pipelines over time and identify threats to the pipeline’s integrity.” This statement is biased and
24 misleading in that it gives a very incomplete picture of the TIMP process. TIMP is a structured approach
25 to managing pipeline risk, consisting broadly of the following steps: 1) analyze and integrate data about
26 the pipeline including design and operating history; 2) identify integrity threats; 3) perform risk
27 assessment to determine consequences of failure and identify high risk locations; 4) perform an assessment
28 of the condition of the pipeline (this is the only TIMP process step Mr. Kuprewicz acknowledges) with

1 respect to the integrity threats, prioritized by risk in accordance with the risk assessment; 4) respond to
2 the condition assessment results with repairs prioritized by severity and location-based risk; 5) develop
3 preventive and mitigative measures consisting of facility and procedural improvements to avoid or prevent
4 occurrence of threats throughout the system; and 6) evaluate performance against the plan commitments,
5 verify that risk is reduced, and identify process improvements. [Ref: API RP 1160] The process is
6 continually repeated. TIMP is a complex process; not all elements work perfectly and not all operators
7 perform equivalently, but that does not mean the process is unable to lower risk.

8 **b. Hydrostatic Testing Assessments**

9 34. Mr. Kuprewicz states “For a pipeline experiencing certain cracking threats such as selective
10 seam cracking (SSC) or stress corrosion cracking (SCC)—corrosion threats *that likely exist* (emphasis
11 added) along the Las Flores Pipeline System—a subpart E hydrotest is inadequate.” This statement is
12 incorrect on several levels.

13 35. To state that something could exist, or even is likely to exist, does not mean that it has
14 existed, does now exist, or will exist. As will be discussed below, Mr. Kuprewicz fails to account for
15 known factual information to support his assertion that certain conditions are likely. In my opinion, they
16 are unlikely.

17 36. Firstly, “selective seam cracking (SSC)” is not a generally recognized condition. Based on
18 my subject matter knowledge, I believe that Mr. Kuprewicz is referring to “selective seam weld corrosion”
19 (SSWC), a condition that can affect older varieties of pipe manufactured with electric resistance welded
20 (ERW) seams or flash welded (FW) seams. Line 324 is modern ERW seam pipe. Extensive testing and
21 research over the years has concluded that susceptibility to SSWC is influenced by composition of the
22 pipe steel and other factors associated with pipe manufactured prior to 1985, the two most significant
23 influences being carbon content greater than 0.10% and sulfur content greater than 0.007%. According
24 to the metallurgical failure analysis of the Line 901 failure [Ref: DNV-GL] published with PHMSA’s
25 public failure investigation report, the composition of the steel in the failure pipe and upstream and
26 downstream pipes exhibited carbon content of 0.078-0.083% and sulfur content of 0.007%. [Ref:
27 McMahon, et al] The subject pipe was manufactured in 1986. Thus susceptibility to SSWC should be
28 very low, and in fact no SSWC was observe in the Line 901 failure investigation. In the *unlikely* event

1 that SSWC was to occur, the transverse field magnetic ILI tool used by Sable, as required by the OSFM
2 state waiver, was developed to detect SSWC.

3 37. Secondly, Mr. Kuprewicz considers SCC to be *likely*. SCC requires specific stress and
4 environmental condition. SCC in pipelines has two forms: near-neutral-pH (NNpH) or high-pH (HPH),
5 with differing necessary environments. [Ref: NEB Inquiry] NNpH SCC requires shielding from CP and
6 anaerobic conditions. Although the CP-shielding conditions exist, evidently conditions were only
7 intermittently anaerobic or favorable to NNpH SCC, resulting instead in pitting metal loss. Applied stress
8 is also a promoting factor. While there is no theoretical lower stress at which SCC cannot occur, it is
9 rarely observed at applied stresses below 50% Specified Minimum Yield Strength (“SMYS”) absent other
10 sources of stress such as external forces or residual stress. At the pipeline MOP of 1,003 psig, the hoop
11 stress is 54% of SMYS. However, normal operating pressure is in the range of 250 to 600 psig, resulting
12 in prevalent stress levels of 15-33% SMYS. At such stress levels, the driving force for SCC is weak,
13 cracking colonies will be sparse, crack growth rates will be low, and the condition is more likely to go
14 dormant or be overtaken by pitting during intermittent periods that are environmentally not conducive to
15 SCC. Thus NNpH severe enough to threaten the pipeline is *unlikely*. HpH SCC has differing
16 environmental conditions from the NNpH type. While temperatures above 100 deg F are favorable to
17 HpH SCC, the condition only develops within a narrow range of cathodic potentials indicative of partially
18 impaired but not shielded CP. Thus HpH SCC is also *unlikely*. The ultrasonic crack detection ILI tools
19 specified by the OSFM state waiver are designed to detect SCC if it is present in a detectable size.

20 38. Thirdly, Mr. Kuprewicz states that a 49 CFR Part 195, Subpart E test to a test pressure ratio
21 of 1.25 is “inadequate” in connection with his postulated SSWC or SCC. Any pressure test above
22 1.1xMOP (the maximum allowed surge condition) demonstrates the present safety of the pipeline. No
23 test pressure proves an absence of flaws no matter how high the test pressure. The higher the test pressure,
24 the smaller will be any undiscovered flaws that survive the test. All things being equal, larger flaws, if
25 they can enlarge in service, grow to failure in less time than smaller flaws, so higher tests are more
26 effective for demonstrating some positive factor of safety >1.0 for a longer period of time. But certainly
27 if significant SSWC or SCC did exist of a size that could be caused to fail at a TPR of 1.25, the Subpart
28 E test is adequate, and certainly the spike test required by OSFM is adequate. Later in the same paragraph

1 he states that it is not clear whether hydrotesting, if performed with be a Subpart E test or a different test
2 to a higher pressure level. Clearly then he lacks necessary information to form an opinion and is
3 speculating.

4 39. Mr. Kuprewicz states that “Current ILI technology cannot reliably identify if such cracking
5 threats are present.” This is patently false, biased, and misleading. In fact, ILI is more effective than
6 hydrostatic testing, a point which Mr. Kuprewicz acknowledges in the very next section of this Exhibit.
7 The industry has for the past 25 or more years relied on ILI to detect and characterize threats such as
8 SSWC and SCC, as well as other types of cracks such as seam fatigue cracks and pipe manufacturing
9 defects in seams.[Ref: Krieg, et al] Although no inspection process is perfect, ILI has proven over and
10 over to be an effective integrity management tool. Frequent ILI intervals with robust validation, and use
11 of multiple tool technologies, will reduce the chances of completely missing something important.

12 **c. ILI Assessments**

13 40. In this section, Mr. Kuprewicz makes numerous negative statements about ILI:

- 14 • Some ILI tools are more suitable than others depending on the threat. ... Operators
15 don’t always select the ILI technology best suited to help identify threats on their
16 system.
- 17 • The previous operator failed to share ILI tool performance data with the ILI service
18 provider that could have enabled them to regrade the ILI more accurately.
- 19 • Some conditions can be more challenging as ILI tools have technical limitations.
20 ILI tool vendors have limits or restrictions on tool operation to get valid results.
- 21 • Some pipeline operators make biased interpretations of the ILI data or fail to
22 account for tool error.

23 41. His point seems to be “it’s complicated and has to be done right”. That applies to all
24 228,000 miles of hazardous liquid transmission pipelines not to mention all 298,000 miles of onshore
25 natural gas transmission pipelines. He has not shown through any rational, data-based analysis that it is
26 somehow *more true* for Las Flores than any of those other systems.

1 **2. Section VI. The Greatest Threat ... Is From External Corrosion**

2 42. Mr. Kuprewicz questions whether the reliance of the Consent Decree and the OSFM state
3 waiver on ILI to manage the external corrosion threat can prevent another failure. He points to the failure
4 of the previous operator, Plains, to rigorously validate the performance of the ILI tools and account for
5 the tool performance when establishing appropriate field response to conclude that "...current ILI
6 technology does not ... reliably identify all forms of external corrosion most likely present on much of
7 the pipeline". Mr. Kuprewicz leaps to this conclusion without recognizing several significant facts.
8 Firstly, Sable is not Plains, and will be held to higher standards of performance. Secondly, different tools
9 with differing technology will be used (most importantly, ultrasonic metal loss tools), and will be run
10 more frequently. Third, he does not identify what kind of corrosion will be present on much of the pipeline
11 that he claims will be undetectable. His position are biased and misleading, being based on pejorative
12 sentiments intended to be alarming while ignoring important facts.

13 43. Later in this section he discusses the relationship between the insulation and coating system
14 and the inability of cathodic protection to function effectively. As I have pointed out earlier, ineffective
15 CP is a common occurrence for pipelines for a variety of reasons. ILI, implemented correctly and with
16 due understanding of its limitations, can be used to monitor the condition of the pipeline in an absence of
17 effective CP. Mr. Kuprewicz has not provided factual proof that ILI as specified by the OSFM state
18 waiver cannot effectively be used for that purpose.

19 **3. Section VII. High Pipeline Operating Temperatures Accelerate All Forms of**
20 **Corrosion**

21 44. Mr. Kuprewicz claims that due to the elevated temperatures, the corrosion rate will be 32
22 times faster than under normal conditions. There is little doubt that corrosion rates will be higher than for
23 many other pipelines that don't operate at elevated temperatures. But Mr. Kuprewicz is speculating as to
24 the corrosion rate being 32 times faster, nevertheless the OSFM has implemented in the state waiver an
25 accelerated detection and protection program as discussed above in my analysis of Mr. Kuprewicz's
26 Opinion (e). This was established by PHMSA's third party consultants. The OSFM has specified that
27 corrosion rates be established to assure that response times for repairs and maintenance are appropriate
28 with a high margin of safety.

1 **4. Section VIII. The CD Fails to Required Adequate IM Processes to Prevent**
2 **Another Rupture**

3 45. Mr. Kuprewicz complains that the Consent Decree does not address important technical
4 issues, such as “cracking threats most likely to to exist on major segments of the pipeline”. The Line 901
5 failure was not due to cracking, no cracking was identified in the failure investigation, and in my opinion
6 as discussed previously, cracking is unlikely to be significant. In any case, the OSFM state waiver, which
7 he does not discuss in this section of his Declaration, does address numerous important technical issues
8 including requiring running crack detection ILI tools. This appears to be a deliberate omission by Mr.
9 Kuprewicz to bias the reader.

10 **5. Section IX. The Pipelines Cannot Be Made as Safe as New Pipelines**

11 46. Mr. Kuprewicz summarizes the design aspects of the pipelines that contribute to corrosion
12 occurring readily and quickly. He states that it will be impossible to return the pipeline to a corrosion-
13 free as-new condition. Actually, all pipelines, even a newly constructed pipeline, will require condition
14 assessment by ILI surveillance and subsequent repairs and maintenance, and will require an ongoing TIMP
15 program to remain safe (all of which is being done on this pipeline system as per the OSFM). Almost
16 every pipeline has some corrosion on it, even modern pipelines. Testing has shown that at the common
17 maximum operating stress levels of 72% SMYS, it is virtually impossible for a pipeline to fail with
18 corrosion up to 50% wall loss. Sable’s planned operating pressure combined with OSFM requirements
19 that they repair up to 40% wall losses further enhances pipeline integrity. This provides many
20 opportunities to discover the pipeline conditions that may require repairs. Using differing ILI technologies
21 on a frequent basis can be relied on to discover that, in my opinion and experience. Mr. Kuprewicz’s
22 opinion is based on an incomplete recognition of the facts concerning this pipeline.

23 **6. Section X. Conclusion**

24 47. Mr. Kuprewicz states in his Conclusion that hydrostatic testing and ILI will be ineffective
25 to address the possible threats, and it would imprudent to rely on such assessments. He has not critically
26 evaluated whether the specific and multiple ILI technologies specified by the OSFM state waiver are in
27 fact inadequate and, if so, why. He also states that using the wrong ILI tools can make the risk of an oil
28 spill orders of magnitude worse, though he has not stated why the specified ILI technology is of the wrong

1 type, nor presented a risk assessment quantifying the increased magnitude of the postulated oil spill. He
2 concludes that the Las Flores Pipeline System is unusually dangerous due to its age and design flaws.
3 This opinion was built on an aggregation of preceding claims each made without supporting data or even
4 contrary to known or knowable facts. As such it is nonfactual and noncredible.

5 **D. Positions Stated in Kuprewicz’s Declaration Exhibit C**

6 48. Mr. Kuprewicz supplements the technical issues and the opinions in his Declaration with
7 additional positions stated in his Exhibit C “Observations on OSFM Letters of Decision for State Waiver
8 Requests on Line CA-324 and CA-325A/B Related to Possible Restart”, February 21, 2025. For the most
9 part, he relies on the same erroneous positions taken without supporting data or analysis, or half-truths
10 presented in an incomplete way to bias the reader, as have been discussed above. Therefore, a detailed
11 point by point evaluation of Exhibit C is already addressed in this declaration and need not be repeated
12 here.

13 **IV. Exhibits**

14 49. In forming the opinions stated herein, I reviewed and considered the following documents
15 and the facts stated therein:

- 16 a. Declaration of Richard B. Kuprewicz in Support of Petitioners’ *Ex Parte* Application for
17 Stay, Order to Show Cause and Temporary Restraining order, June 3, 2025, a true and
18 correct copy of which is attached hereto as **Exhibit B**.
- 19 b. US Department of Transportation, Pipeline and Hazardous Materials Safety
20 Administration, Office of Pipeline Safety, Corrective Action Order, CPF NO. 5-2015-
21 5011H, May 21, 2015, a true and correct copy of which is attached hereto as **Exhibit C**.
- 22 c. United States District Court, Central District of California, Civil Action NO. 2:20-cv-
23 02415, CONSENT DECREE, Filed 03/13/20, a true and correct copy of which is attached
24 hereto as **Exhibit D**.
- 25 d. Department of Forestry and Fire Protection, Office of the State Fire Marshal, Letter of
26 Decision on the state Waiver Request for Limited Effectiveness of Cathodic Protection on
27 Thermally Insulated Pipeline and Corrosion of or Along a Longitudinal Seam Weld (CA-
28 324), Dec. 17, 2024, a true and correct copy of which is attached hereto as **Exhibit E**.

- 1 e. Department of Forestry and Fire Protection, Office of the State Fire Marshal, Letter of
2 Decision on the State Waiver Request for Limited Effectiveness of Cathodic Protection on
3 Thermally Insulated Pipeline and Corrosion of or Along a Longitudinal Seam Weld (CA-
4 325A/B), Dec. 17, 2024, a true and correct copy of which is attached hereto as **Exhibit F.**
- 5 f. US Department of Transportation, Pipeline and Hazardous Materials Safety
6 Administration, “Failure Investigation Report, Plains Pipeline LP, Line 901 Crude Oil
7 Release, May 19, 2025, Santa Barbara California”, May 2016, a true and correct copy of
8 which is attached hereto as **Exhibit G.**
- 9 g. Norfleet, D.M., “Line 901 Release (5/19/25): Mechanical and Metallurgical Testing”,
10 DNV-GL, Final Report No. OAPUS309DNOR (PP136049), September 18, 2015,
11 Appendix M to PHMSA FIR, a true and correct copy of which is attached hereto as **Exhibit**
12 **H.**
- 13 h. US Department of Transportation, Pipeline and Hazardous Materials Safety
14 Administration, Advisory Bulletin ADB 17-01, 82 FR 14106, Thursday, March 16, 2017,
15 a true and correct copy of which is attached hereto as **Exhibit I.**
- 16 i. Kiefner, J.F., “Defect assessment – 1: Modified equation aids integrity management”, Oil
17 & Gas Journal, Oct. 6, 2008 and “Defect assessment – 2: Modified Ln-Secant equation
18 improves failure prediction”, Oil & Gas Journal, Oct. 13, 2008, a true and correct copy of
19 which is attached hereto as **Exhibit J.**
- 20 j. McMahon, T.P., Amend, B., Harper, W., Bubenik, T., Evans, K., Rosenfeld, M., and Li,
21 Y., “Evaluation of Selective Seam Weld Corrosion Susceptibility”, 14th International
22 Pipeline Conference, IPC2024-121806, Calgary, 2024, a true and correct copy of which is
23 attached hereto as **Exhibit K.**
- 24 k. National Energy Board, “Stress Corrosion Cracking on Canadian Oil and Gas Pipelines”,
25 Report of the Inquiry, MH-2-05, December 1996, a true and correct copy of which is
26 attached hereto as **Exhibit L.**
- 27 l. Michael Baker Jr. Engineering and Kiefner & Associates, Inc., “Spike Hydrostatic Test
28 Evaluation”, Final Report to Department of Transportation, Research and Special

1 Programs Administration, Office of Pipeline Safety, Technical Task Order No. 6 (TTO-6),
2 Delivery Order DTRS56-02-D-70036, July 2004, a true and correct copy of which is
3 attached hereto as **Exhibit M.**

4 m. Rosenfeld, M.J., “Hydrostatic pressure spike testing of pipelines: why and when?”, Journal
5 of Pipeline Engineering, 2013, a true and correct copy of which is attached hereto as
6 **Exhibit N.**

7 n. US Department of Transportation, Pipeline and Hazardous Materials Safety
8 Administration, Advisory Bulletin ADB 17-01, 82 FR 14106, Thursday, March 16, 2017,
9 a true and correct copy of which is attached hereto as **Exhibit O.**

10 o. Kiefner, J.F., and Vieth, P.H., “Project PR 3-805, A Modified Criterion for Evaluating the
11 Remaining Strength of Corroded Pipe”, American Gas Association, Cat. No. L51609, Dec.
12 22, 1989, a true and correct copy of which is attached hereto as **Exhibit P.**

13 p. American Petroleum Institute, “Managing System Integrity for Hazardous Liquid
14 Pipelines”, API Recommended Practice 1160, Third Edition, February 2019, a true and
15 correct copy of which is attached hereto as **Exhibit Q.**

16 q. Nestleroth, J.B. and Rosenfeld, M.J., “Changes to In-Line Inspection Approaches to
17 Consider with Changing Regulations”, Pipeline Pigging and Integrity Management
18 Conference, Houston, 2020, a true and correct copy of which is attached hereto as **Exhibit**
19 **R.**

20 r. Harris, C. “Assessing Mechanical Damage Using Multiple Data Sets in Inline Inspection”,
21 Pipeline Technology Conference, Berlin, 2013, a true and correct copy of which is attached
22 hereto as **Exhibit S.**

23 s. Thompson, R., Gardner, R., Dwyer, K., Gonzales, R., Corbett, A., Solano, G., “Pipeline
24 Integrity Management of CSCC using multiple ILI technologies”, Pipeline Pigging and
25 Integrity Management Conference, Houston, 2021, a true and correct copy of which is
26 attached hereto as **Exhibit T.**

27 t. Krieg, M., Nestleroth, J.B., Hennig, T., and Haines, H., “In-Line Inspection in Lieu of
28 Hydrostatic Testing for Low Frequency Electric Resistance Welded Pipe”, 12th

1 International Pipeline Conference, IPC2018-78522, Calgary, 2018, a true and correct copy
2 of which is attached hereto as **Exhibit U**.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is
4 true and correct. Executed this 7th day of July, 2025, in Granville, Ohio.

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9 _____
10 Michael J. Rosenfeld

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PROOF OF SERVICE

I, Josie Cisneros, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Alston & Bird LLP, 350 South Grand Avenue, 51st Floor, Los Angeles, CA 90071.

On April 3, 2026, I served the document(s) described as **DECLARATION OF MICHAEL J. ROSENFELD IN SUPPORT OF REAL PARTIES' MOTION TO STRIKE THE DECLARATION OF RICHARD B. ROSENFELD** on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows: *See Attached Service List.*

- BY ELECTRONIC MAIL TRANSMISSION WITH ATTACHMENT: On this date, I transmitted the above-mentioned document by electronic mail transmission with attachment to the parties at the electronic mail transmission address set forth on the attached service list.
- [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 3, 2026, at Los Angeles, California.

/s/Josie Cisneros

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